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General Assembly
Sixtieth session

Official Records

53rd plenary meeting
Wednesday, 23 November 2005, 10 a.m.
New York

President: Mr. Eliasson ..... (Sweden)

In the absence of the President, Mr. Swe (Myanmar), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 112

Elections to fill vacancies in subsidiary organs and other elections

(c) Election of the Executive Director of the United Nations Environment Programme

Note by the Secretary-General (A/60/553)

The Acting Chairman: In his note, the Secretary-General informs the General Assembly that in its decision 56/312 of 21 November 2001 the Assembly re-elected Mr. Klaus Töpfer as Executive Director of the United Nations Environment Programme (UNEP) for a four-year term, beginning on 1 February 2002 and ending on 31 January 2006.

In accordance with section II, paragraph 2, of General Assembly resolution 2997 (XXVII) and bearing in mind Mr. Töpfer's decision not to seek a further term as Executive Director of the Programme, the Secretary-General proposes a two-month extension of Mr. Töpfer's appointment until 31 March 2006, which would allow time to identify a suitable successor and ensure continuity in the work of UNEP and its Governing Council.

Accordingly, may I take it that the General Assembly wishes to extend Mr. Klaus Töpfer's appointment as Executive Director of the United Nations Environment Programme for two months, until the end of March 2006?

It was so decided.

The Acting President: The General Assembly has thus concluded this stage of its consideration of sub-item (c) of agenda item 112.

Reports of the Fifth Committee

The Acting President: The General Assembly will consider the reports of the Fifth Committee on agenda items 113 (a) to (e), 138 and 145.

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before it today.

It was so decided.

The Acting President: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that:

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in the plenary meeting is different from its vote in the Committee."

May I remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee, unless notified otherwise in advance.

I therefore hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Fifth Committee.

Agenda item 113

Appointments to fill vacancies in subsidiary organs and other appointments

(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions

Report of the Fifth Committee (A/60/542)

The Acting President: The Fifth Committee recommends in paragraph 4 of its report that the General Assembly appoint the following persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2006: Mr. Guillermo Kendall of Argentina, Mr. Igor Khalevinski of the Russian Federation, Ms. Susan McLurg of the United States of America, Mr. Tommo Monthe of Cameroon and Ms. Christina Vasak of France.

May I take it that it is the wish of the Assembly to appoint those persons as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term of office beginning on 1 January 2006?

It was so decided.

(b) Appointment of members of the Committee on Contributions

Report of the Fifth Committee (A/60/543)

The Acting President: In paragraph 7 of its report, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2006: Ms. Sujata Ghorai of Germany, Mr. Vyacheslav Anatolievich Logutov of the Russian Federation, Mr. Richard Moon of the United Kingdom of Great Britain and Northern Ireland, Mr. Hae-yun Park of the Republic of Korea, Mr. Henrique da Silveira Sardinha Pinto of Brazil and Mr. Wu Gang of China.

May I take it that it is the wish of the Assembly to appoint those persons I just mentioned as members of the Committee on Contributions for a three-year term of office beginning on 1 January 2006?

It was so decided.

(c) Confirmation of the appointment of members of the Investments Committee

Report of the Fifth Committee (A/60/544)

The Acting President: The Fifth Committee recommends, in paragraph 4 of its report, that the General Assembly confirm the appointment by the Secretary-General of the following persons as members of the Investments Committee for a three-year term of office beginning on 1 January 2006: Mr. Madhav Dhar of India, Mr. Nemir A. Kirdar of Iraq and Mr. Masakazu Arikawa of Japan.

May I take it that it is the wish of the Assembly to confirm the appointment of those persons I just mentioned as members of the Investments Committee for a three-year term of office beginning on 1 January 2006?

It was so decided.

(d) Appointment of a member of the Board of Auditors

Report of the Fifth Committee (A/60/545)

The Acting President: In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint the Auditor-General of the Republic of South Africa as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2006.

May I take it that the Assembly wishes to appoint the Auditor-General of the Republic of South Africa as a member of the Board of Auditors for a six-year term of office beginning on 1 July 2006?

It was so decided.

(e) Appointment of members of the International Civil Service Commission

Report of the Fifth Committee (A/60/546)

The Acting President: In paragraph 4 of its report, the Fifth Committee recommends that the General Assembly appoint the following persons as members of the International Civil Service Commission for a four-year term of office beginning on 1 January 2006: Mr. Minoru Endo of Japan, Mr. Gilberto Paranhos Velloso of Brazil, Ms. Lucretia Myers of the United States of America, Mr. Wolfgang Stockl of Germany and Mr. Gian Luigi Valenza of Italy.

May I take it that it is the wish of the Assembly to appoint those persons I just mentioned as members of the International Civil Service Commission for a four-year term of office beginning on 1 January 2006?

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-items (a) to (e) of agenda item 113 and of agenda item 113 as a whole?

It was so decided.

Agenda item 138

Financing of the United Nations Operation in Côte d'Ivoire

Report of the Fifth Committee (A/60/540)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 60/17).

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 138.

Agenda item 145

Financing of the United Nations Stabilization Mission in Haiti

Report of the Fifth Committee (A/60/541)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 8 of its report.

The Fifth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/18).

The Acting President: The Assembly has thus concluded this stage of its consideration of agenda item 145.

Reports of the Sixth Committee

The Acting President: The General Assembly will consider the reports of the Sixth Committee on agenda items 78 to 80, 82, 153, 155, 156, 158 and 159. The reports of the Sixth Committee on agenda items 83, 108 and 116 will be considered at a later date, to be announced.

I request the Rapporteur of the Sixth Committee, Ms. Shernain Jeremy of Antigua and Barbuda, to

introduce in one intervention the reports of the Sixth Committee before the General Assembly.

Ms. Jeremy (Antigua and Barbuda): Today I have the honour to present to the General Assembly the reports of the Sixth Committee on 9 of the 11 substantive agenda items allocated to it, namely, items 78 to 80, 82, 153, 155, 156, 158 and 159. Item 108, "Measures to eliminate international terrorism", remains open, and the report on that item will be introduced at a later date. The report on item 83, "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel", and the report on a procedural item — agenda item 116, "Revitalization of the work of the General Assembly" — will also be considered at a later date.

I would first like to draw the Assembly's attention to agenda item 78, "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The relevant report of the Committee is contained in document A/60/514, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would, inter alia, approve the guidelines and recommendations regarding the execution of the Programme for the biennium 2006-2007 and authorize the Secretary-General to carry out in the biennium the activities specified in section III of the report of the Secretary-General on the Programme. It would also request the Secretary-General to continue to provide the necessary resources to the budget for the Programme for the next and future bienniums. Furthermore, the Assembly would recognize the importance of United Nations recurrent legal publications listed in the report of the Secretary-General and strongly encourage their continued publication.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I turn now to the report of the Sixth Committee on agenda item 79, "Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session". The report is contained in document A/60/515, and the two draft resolutions recommended to the General Assembly for adoption are reproduced in paragraph 10 thereof.

Under the terms of draft resolution I, entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session", the General Assembly would, among others things, endorse the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law. It would also reaffirm the importance, in particular for developing countries, of the work of the Commission concerned with technical assistance in the field of international trade law reform and development and would, in this connection, appeal to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the relevant trust fund and to support the technical assistance programme of the Commission.

Furthermore, the Assembly would encourage the Commission to further explore different approaches to the use of partnerships with non-State actors in the implementation of its mandate, in particular in the area of technical assistance. The Assembly would also take note with appreciation of the preparation of digests of case law relating to the texts of the Commission and would welcome the Commission's decision to hold a congress on international trade law.

I am pleased to note that draft resolution II under this agenda item contains the annex to the United Nations Convention on the Use of Electronic Communications in International Contracts. Under the terms of the draft resolution, the General Assembly would, after expressing its appreciation to the Commission for preparing the draft Convention, adopt the Convention and request the Secretary-General to open it for signature. It would also call upon States to consider becoming parties to it. In accordance with its article 16, the Convention shall be open for signature by all States from 16 January 2006 until 16 January 2008.

The Sixth Committee adopted the two draft resolutions without a vote, and it is hoped that the Assembly will do the same.

I now invite the Assembly's attention to agenda item 80, "Report of the International Law Commission on the work of its fifty-seventh session". The relevant report of the Sixth Committee is contained in document A/60/516, and the draft resolution, which the

Committee recommends to the Assembly for adoption, is set out in paragraph 8 thereof.

By the terms of the draft resolution, the General Assembly would, inter alia, take note of the report of the International Law Commission on the work of its fifty-seventh session and encourage the Commission to complete work on those items which are near completion at its fifty-eighth session. The Assembly would draw the attention of Governments to the importance for the International Law Commission of having their views on the draft articles and commentary on diplomatic protection and on the draft principles on allocation of loss in the case of transboundary harm arising out of hazardous activities, both of which were adopted at the fifty-sixth session of the Commission in 2004.

The General Assembly would also invite Governments to provide information on other topics, as requested in chapter III of the Commission's report. Furthermore, the Assembly would approve the Commission's conclusions regarding summary records of the Commission and reaffirm its previous decisions concerning the documentation and summary records of the International Law Commission.

The Assembly would also encourage Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee — International Law Week — so as to enable high-level discussions on issues of international law. In addition, the Assembly would decide that the next session of the Commission would be held at the United Nations Office at Geneva from 1 May to 9 June and from 3 July to 11 August 2006.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the Assembly will do the same.

I turn now to agenda item 82, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The report of the Sixth Committee on this item is contained in document A/60/517. The draft resolution which the Sixth Committee recommends for adoption by the General Assembly is reproduced in paragraph 10 of the report.

By the terms of the draft resolution, the General Assembly would, among other things, request the Special Committee, at its next session in 2006, to continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations. The Special Committee would also be requested to continue to consider, on a priority basis and in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter and to consider, also on a priority basis, ways and means of improving its working methods and enhancing its efficiency.

Furthermore, the Special Committee would be requested to consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the High-level Plenary Meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter of the United Nations and amendments thereto.

Additionally, the Assembly would welcome the establishment of the trust fund to eliminate the backlog of the *Repertory of Practice of United Nations Organs* and would encourage States to make voluntary contributions to it. It would also endorse the Secretary-General's efforts to eliminate the backlog of the *Repertoire of the Practice of the Security Council* and would encourage contributions to the trust fund for its updating. It would further request the Secretary-General to submit a report on both publications to the General Assembly at its sixty-first session.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do likewise.

Let me now turn to agenda item 153, "Report of the Committee on Relations with the Host Country". The report of the Sixth Committee on this item is contained in document A/60/520. The draft resolution recommended to the Assembly for adoption is set out in paragraph 8 thereof.

Under the terms of the draft resolution, the Assembly would, inter alia, endorse the recommendations and conclusions of the Host Country Committee; consider that the maintenance of appropriate conditions for the normal work of delegations and missions accredited to the United Nations and the observance of their privileges and

immunities are in the interest of the Organization and all Member States; and request the host country to continue to solve, through negotiations, problems that might arise, and to take all measures necessary to prevent any interference with the functioning of missions.

The Sixth Committee adopted the draft resolution without a vote, and it is hoped that the Assembly will be in a position to do so as well.

I would like to draw the Assembly's attention to agenda item 155, "Observer status for the Latin American Integration Association in the General Assembly". The relevant report of the Committee is contained in document A/60/521, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would decide to invite the Latin American Integration Association to participate in the sessions and the work of the General Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I now turn to agenda item 156, entitled "Observer status for the Common Fund for Commodities in the General Assembly". The relevant Committee report is contained in document A/60/522, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7.

Under the terms of the draft resolution, the General Assembly would decide to invite the Common Fund for Commodities to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

I now turn to agenda item 158, entitled "Observer status for the Hague Conference on Private International Law in the General Assembly". The relevant report of the Committee is contained in document A/60/533, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would decide to invite the Hague Conference on Private International Law to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do likewise.

Finally, I invite the Assembly's attention to agenda item 159, entitled "Observer status for the Ibero-American Conference in the General Assembly". The relevant report of the Committee is contained in document A/60/534, and the draft resolution recommended to the Assembly for adoption is reproduced in paragraph 7 thereof.

Under the terms of the draft resolution, the General Assembly would decide to invite the Ibero-American Conference to participate in the sessions and the work of the Assembly in the capacity of observer. It would also request the Secretary-General to take the necessary action to implement the present resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will be in a position to do the same.

That concludes my introduction of the reports of the Sixth Committee at this stage. I would like to take this opportunity to express my gratitude to Ambassador Mr. Juan Antonio Yáñez-Barnuevo, Chairman of the Sixth Committee, for his hard work and for the commendable leadership he provided to the Committee throughout this session. I also wish to thank the other members of the Bureau — Mr. Mahmoud Hmoud, Mr. Mahmoud Samy and Mr. Grzegorz Zyman — for their cooperation and the support given to me. Finally, thanks and appreciation are also due to all representatives and colleagues for their invaluable contributions to the success of this session.

The Acting President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee that are before the Assembly today.

It was so decided.

The Acting President: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Sixth Committee, I should like to advise representatives that we are going to take decisions in the same manner as was done in the Sixth Committee, unless the Secretariat is notified otherwise in advance. I therefore hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Sixth Committee.

Agenda item 78

United Nations Programme of Assistance in Teaching, Study, Dissemination and Wider Appreciation of International Law

Report of the Sixth Committee (A/60/514)

The Acting Chairman: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

The draft resolution was adopted (resolution 60/19).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 78?

It was so decided.

Agenda item 79

Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session

Report of the Sixth Committee (A/60/515)

The Acting President: The Assembly has before two draft resolutions recommended by the Sixth Committee in paragraph 10 of its report. We shall now take a decision on them.

Draft resolution I is entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session". The Sixth Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 60/20).

The Acting President: Draft resolution II is entitled "United Nations Convention on the Use of Electronic Communications in International Contracts". The Sixth Committee adopted draft resolution II without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 60/21).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 79?

It was so decided.

Agenda item 80

Report of the International Law Commission on the work of its fifty-seventh session

Report of the Sixth Committee (A/60/516)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report. We shall now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/22).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 80?

It was so decided.

Agenda item 82

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee (A/60/517)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 10 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/23).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 82?

It was so decided.

Agenda item 153

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee (A/60/520)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 8 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/24).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 153?

It was so decided.

Agenda item 155

Observer status for the Latin American Integration Association in the General Assembly

Report of the Sixth Committee (A/60/521)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/25).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 155?

It was so decided.

Agenda item 156

Observer status for the Common Fund for Commodities in the General Assembly

Report of the Sixth Committee (A/60/522)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/26).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 156?

It was so decided.

Agenda item 158

Observer status for the Hague Conference on Private International Law in the General Assembly

Report of the Sixth Committee (A/60/533)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/27).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 158?

It was so decided.

Agenda item 159

Observer status for the Ibero-American Conference in the General Assembly

Report of the Sixth Committee (A/60/534)

The Acting President: The Assembly has before it a draft resolution recommended by the Sixth Committee in paragraph 7 of its report. We will now take a decision on the draft resolution.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 60/28).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 159?

It was so decided.

The Acting President: The Assembly has thus concluded its consideration of all the reports of the Sixth Committee before it.

Agenda item 81 (*continued*)

Report of the International Criminal Court

Draft resolution A/60/L.25

The Acting President: Members will recall that the General Assembly held the debate on this agenda item at its 46th plenary meeting, on 8 November.

I call on the representative of the Netherlands to introduce draft resolution A/60/L.25.

Mr. Majoor (Netherlands): I have the honour to introduce this morning draft resolution (A/60/L.25), entitled "Report of the International Criminal Court".

In addition to the countries listed in L.25, the following have indicated their wish to be included as sponsors: Antigua and Barbuda, Barbados, Colombia, Georgia and Mali. That brings the total number of sponsors for this resolution to 88.

On 8 November, the President of the International Criminal Court presented the first annual report of the Court to this body. We had a very constructive and in-depth debate at that time, and I do not want to repeat that discussion here today. Allow me, however, to highlight just a few elements.

The report of the International Criminal Court and the debate in this body a few weeks ago underlined the important role that the Court plays in our common multilateral system that aims to end impunity and to establish the rule of law, to promote and encourage respect for human rights and to restore and maintain international peace and security. The establishment of the Court was the most significant development in recent years in the long struggle to eradicate impunity. We are therefore very pleased that substantial progress has been achieved in making the Court fully operational. The annual report clearly demonstrates that progress.

The Court is now at the beginning of the judicial phase of its operations, involving both operations in the field and courtroom proceedings. The issuance of arrest warrants against five leaders of the Lord's Resistance Army is a clear indication of that fact. The referral by the Security Council this spring of the situation in Darfur to the International Criminal Court's Prosecutor and the opening of an investigation into that situation by the Prosecutor were other important milestones. The fact that all Security Council

members were directly or indirectly supportive of that referral was a very welcome development, and proof of the growing support for the Court. The President of the International Criminal Court in his address to the General Assembly stressed the fact that cooperation between the Court and the United Nations and cooperation with States, international organizations and civil society are fundamental to an effective and efficient functioning Court, especially now that the Court has started the judicial phase of its work. We call on all concerned to heed his call.

While all States are free to choose whether to become a party to the Rome Statute or not, recently we were happy to welcome the one-hundredth ratification of the Statute by Mexico. We will continue to strive for a universal membership to the Rome Statute and it is therefore our sincere hope that more States will soon ratify it.

The draft resolution before us today serves three main objectives: first, to indicate political support for the International Criminal Court as an organization, for its aims and for the work it carries out.

Secondly, it underlines the importance of the relationship agreement concluded with the United Nations, which serves as a framework for the close cooperation between the two organizations. Thirdly, it serves to remind States of the need to cooperate with the International Criminal Court as it carries out its tasks.

The Netherlands hopes that the adoption of the draft resolution today will lead to even greater support for the International Criminal Court in its fight against impunity and in its attempts to hold those accused of very serious crimes accountable for their actions. In that context, we look forward to the second annual report of the International Criminal Court and its consideration during next year's session of the General Assembly.

The Acting President: We shall now proceed to consider draft resolution A/60/L.25. Before giving the floor to the speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Willson (United States of America): Our concerns about the Rome Statute and the International Criminal Court (ICC) are well known. They include the Court's assertion of jurisdiction over nationals of States not parties to the Rome Statute, including United States nationals, and the lack of adequate oversight of the Court's activities, including those of the Prosecutor, who may initiate cases without first seeking approval of the Security Council.

As in past years, those concerns require the United States to disassociate itself from consensus on the draft resolution. While our concerns about the Court have not changed, we would like to move beyond divisiveness on the issue. We share the commitment of parties to the Rome Statute to bring to justice those who perpetrate genocide, war crimes and crimes against humanity. While we have honest differences on how accountability is best achieved, we must work together to ensure that perpetrators of the atrocities are held accountable for their actions.

The actions of the United States demonstrate clearly that we have been and continue to be among the most forceful advocates of the principle of accountability for war crimes, genocide and crimes against humanity. We demonstrated our willingness to work instructively on those matters in connection with Darfur, where it was the United States that concluded that genocide had occurred and it was the United States that called for and supported the creation of the International Commission of Inquiry on Darfur.

While we would have preferred a different mechanism, we believed it was important for the international community to speak with one voice and to act decisively. Consequently, we accepted referral of the Darfur situation by the Security Council to the Court. Those events demonstrate that there can be common ground when both sides are willing to work constructively.

I would like to emphasize today what we have said in the past. We respect the right of other States to become parties to the Rome Statute. We ask in return, however, that other States respect our decision not to do so. With respect to the draft resolution, we made good faith efforts to work with supporters of the Court on language that would reflect that simple principle. We were deeply disappointed that our efforts to turn a new page were rejected.

As we move forward, we urge Court supporters to reciprocate our efforts to seek common ground and avoid divisiveness. In our view, that begins with an acknowledgement that there are honest differences of

view on the issues and an acknowledgement of the right of the United States and other States to decide not to become Parties to the Court and not to subject their citizens and officials to its jurisdiction. That should not be too much to ask.

We have noted in the past the importance we attach to the principle adopted by the General Assembly in resolution 58/318 that the costs of any assistance or services provided by the United Nations to the Court must be fully reimbursed to the United Nations. We are pleased that the sponsors of the draft resolution were willing to make that clear in the draft.

Efforts to include language in resolutions of the General Assembly or Security Council that are inconsistent with the basic respect for the honest differences of views about the Court serve only to exacerbate divisions and make it more difficult for the international community to pursue common approaches in the fight against impunity. Not every issue needs to be turned into a debate about the role of the Court. It is our hope, as we move forward, that efforts by all parties to work constructively and in good faith will allow us to spend less time arguing over the Court and more time working together to ensure accountability for serious crimes.

The Acting President: We have heard the only speaker in explanation of vote before the vote. The Assembly will now take a decision on draft resolution A/60/L.25. May I take it that the Assembly decides to adopt draft resolution A/60/L.25?

Draft resolution A/60/L.25 was adopted (resolution 60/29).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 81?

It was so decided.

Programme of work

The Acting President: I would like to inform members that, in addition to the items already scheduled for Monday morning, 28 November, the General Assembly will resume its consideration of the following agenda items, to take action on several draft resolutions: agenda item 41, "Report of the Economic and Social Council", to take action on draft resolutions A/60/L.21 and A/60/L.24; and agenda item 120, "Follow-up to the outcome of the Millennium Summit", to take action on draft resolution A/60/L.26.

The meeting rose at 11.10 a.m.

United Nations A/60/PV.54

General Assembly
Sixtieth session

Official Records

54th plenary meeting
Monday, 28 November 2005, 10 a.m.
New York

President: Mr. Eliasson ..... (Sweden)

The meeting was called to order at 10.10 a.m.

Agenda item 75

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/60/63 and Add.1 and Add.2 and A/60/91)

Report of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its sixth meeting (A/60/99)

Draft resolution (A/60/L.22)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/60/189)

Draft resolution (A/60/L.23)

The President: I give the floor to the representative of Brazil to introduce draft resolution A/60/L.22.

Mr. Sardenberg (Brazil): Once again this year, under sub-item (a) of agenda item 75, Brazil has had the honour to coordinate informal consultations on oceans and the law of the sea. On behalf of its sponsors, I have the pleasure today to introduce draft resolution A/60/L.22, entitled "Oceans and the law of the sea".

I wish to inform members that since the publication of the draft resolution, the following countries have also become sponsors: Australia, Greece, Italy, Jamaica, Madagascar, Micronesia, the Russian Federation and Tonga.

The draft resolution is the result of constructive and creative discussions. I would like to thank Mr. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their highly professional assistance, which, as usual, contributed decisively to the success of our work. I also take this opportunity to express our appreciation to Ms. Holly Koehler of the delegation of the United States for coordinating the draft resolution on fisheries.

The draft resolution and today's debate are expressions of the commitment of the United Nations to this multidisciplinary and complex item on the agenda of the General Assembly, under which the international community has been making efforts in the areas of cooperation and the integration of activities and regulatory measures required by the landmark United Nations Convention on the Law of the Sea. The pre-eminent role of the Convention is clearly recognized by the draft resolution, which refers to it as

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the legal framework within which all activities in the oceans and seas must be carried out.

The draft resolution emphasizes the role of the Convention in the maintenance and strengthening of international peace and security, as well as in the sustainable development of the uses of, and activities in, the oceans and seas. It also reflects the importance of capacity-building for developing States so that they can implement the Convention, fulfil their obligations, benefit from ocean resources and participate in all forums and processes dealing with issues related to oceans and the law of the sea.

Among other important achievements reflected in the draft resolution, I would like to underline, first, the launching of the start-up phase of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, as agreed in the Plan of Implementation of the World Summit on Sustainable Development; secondly, the review and renewal of the mandate of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, with recommendations that its discussions at its next meeting be focused on the topic "Ecosystem approaches and oceans"; thirdly, the agreement reached on participation in the Ad Hoc Open-ended Informal Working Group on marine biodiversity in areas beyond national jurisdiction.

I now wish to make a few remarks on behalf of the delegation of Brazil.

Brazil has a coastline 7,500 kilometres long. Its continental shelf beyond 200 nautical miles, which is currently under examination by the Commission on the Limits of the Continental Shelf, is estimated to be 953,525 square kilometres. More than 90 per cent of Brazil's trade occurs through the seas. Such characteristics have always underscored our commitment to the United Nations Convention on the Law of the Sea, which is increasingly known as the constitution of the oceans, as well as to efforts to put its provisions into practice — provisions that are already becoming part of customary law.

It has been 23 years since the adoption of the Convention and 11 years since its entry to force. Following the adoption of the 1994 Agreement relating to the Implementation of Part XI of the Convention and the 1995 Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, we have justifiably high expectations as to active participation in the discussions of the Ad Hoc Open-ended Informal Working Group on marine biodiversity beyond national jurisdiction. That seems to us the most important step that the international community has taken in this area in the last 10 years.

In our view, it is essential that the international community engage in discussions on marine biodiversity and marine scientific research, in accordance with the Convention, in order to better understand and manage ocean resources and activities. Under the Convention, activities in the Area are to be carried out for the benefit of mankind as a whole, taking into particular consideration the interests and needs of developing States. Biological resources in the Area cannot be depleted or appropriated, but must be used for the benefit of present generations and preserved for future generations.

Brazil welcomes the commitment to launch the start-up phase of the regular process recommended by the Johannesburg Plan of Implementation. We expect that its work will be fruitful and that States will bear in mind the need for integration and coordination efforts aimed at the conservation of the oceans. We recognize the importance of the Informal Consultative Process in facilitating this General Assembly debate by making possible a better understanding of the broad, complex and multifaceted issues related to oceans.

We are, however, very concerned about the topic to be focused upon next year, given that the international community has been unable to agree in other multilateral forums on any definition of an ecosystem approach. The next one-week meeting of the Informal Consultative Process must be organized in a very objective way so as to allow adequate time for the discussion of other important issues to be considered in the Secretary-General's annual comprehensive report on oceans and the law of the sea.

The draft resolution on sustainable fisheries is inspired by our common goal of establishing appropriate conservation and management measures to make fisheries a sustainable activity. But our challenge is to implement such measures and to encourage States to comply with them in order to stop the depletion of fish stocks and the destruction of marine biodiversity.

Brazil attributes the problem of excess fishing capacity not only to the illegal, unreported and

unregulated fisheries, but also to the oversized fishery fleets of some developed States. That should not jeopardize the efforts of developing States to engage in sustainable fishery activities, including by renovating their fishery fleets.

As we highlight the achievements and the current challenges related to ocean issues, let us take this opportunity to rededicate our countries and the international community as a whole to the task and vision that we set ourselves in 1982, the year that the Convention was concluded.

The President: I now give the floor to the representative of the United States of America to introduce draft resolution A/60/L.23.

Mr. Bolton (United States of America): My delegation has the honour to co-sponsor draft resolution A/60/L.22, entitled "Oceans and the law of the sea". We also have the honour to introduce, on behalf of our fellow sponsors, draft resolution A/60/L.23, on sustainable fisheries. I would like to announce that the following delegations have agreed to be additional sponsors of draft resolution A/60/L.23: Australia, France, Greece, Madagascar, Micronesia, the Russian Federation and Tonga.

The United States is very pleased with these draft resolutions. We believe that they will contribute significantly to the efforts of the international community to deal with pressing challenges in the field of oceans and fisheries.

A key element of the fisheries negotiations again this year is the protection of certain sensitive underwater features and vulnerable marine ecosystems from the impacts of fishing activities. We view the enhanced language in the draft resolution as underscoring the importance to the international community of addressing this issue and safeguarding the biodiversity of these fragile and rare marine ecosystems.

In particular, the draft resolution continues to call upon States and regional fisheries management organizations to urgently take action to regulate bottom fisheries and the impacts of destructive fishing practices through the adoption of appropriate conservation and management measures. The draft resolution also strengthens provisions calling for a report on this issue for consideration by the General Assembly next year.

The United States is encouraged by recent progress made by both States and regional fisheries management organizations in addressing the impacts of fishing on vulnerable marine ecosystems. We will continue to work cooperatively with all States in international bodies engaged in regulating fisheries to give effect to those provisions.

This year's draft resolution on fisheries continues to lay the foundation for the review conference mandated by the 1995 United Nations Fish Stocks Agreement. The review conference represents the best opportunity we have to strengthen the implementation of that vital Agreement with the goal of securing sustainable fisheries throughout the world. It is imperative that we seize that opportunity. The United States strongly supports increasing membership in the Agreement and hopes that all States that have not yet done so will consider becoming parties to it in advance of the review conference next May.

We also support the calls in this year's draft resolution on fisheries for renewed efforts to achieve sustainable aquaculture, to combat illegal, unreported and unregulated fishing and to address fishing overcapacity and harmful subsidies.

In addition, the United States is pleased that the fisheries draft resolution more explicitly addresses the critical issue of marine debris and derelict fishing gear, which adversely affect marine living resources and their habitats. We view as an important step forward the calls for specific action to prevent the decline of sea turtles and seabird populations by reducing bycatch. We applaud the language of the draft resolution dealing with the conservation of sharks, and we look forward to continuing to work with all interested States in implementing the Food and Agriculture Organization of the United Nations (FAO) international plans of action for sharks and seabirds, as well as the recent FAO guidelines on sea turtles.

Turning to the draft resolution on oceans and the law of the sea, we are pleased with the progress made this year on an array of diverse issues. The February ad hoc informal open-ended meeting on marine biodiversity beyond national jurisdictions will be an opportunity for the international community to discuss some complex issues. We look forward to a productive exchange of information and ideas.

We are pleased with the decision, provided for in this year's draft resolution, to renew the mandate of the

United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The annual meetings of the Consultative Process have proved to be helpful in expanding the international community's knowledge and awareness of emerging issues affecting the world's oceans. Our decision to focus on ecosystem approaches and oceans at next year's meeting will, we believe, continue in that helpful mode. We thank our Canadian colleagues for suggesting that topic.

This year's draft resolution recognizes that the work of the Commission on the Limits of the Continental Shelf will become increasingly significant as more States initiate the process of establishing the boundaries of their continental shelves. We look forward to further clarity with respect to information offered for the Commission's consideration.

Among all of the positive outcomes of this year's draft resolution, however, there is one regarding which we feel compelled to note a concern for possible future trends. In our view, this draft resolution is not the best or most appropriate vehicle for the complex issue of the trans-shipment of radioactive materials. Although we recognize the importance that many delegations, particularly those from small island developing States, attach to this issue, it is such a technical and difficult one that, to be given fair consideration, it must be raised in organizations better equipped to do so. Those organizations are the International Atomic Energy Agency and the International Maritime Organization. We would encourage all Member States particularly interested in the issue to join those organizations.

The United States would like to thank all delegations that worked with good will and cooperation to achieve the balanced and constructive texts of both these draft resolutions. We particularly appreciate the assistance given to my colleague Holly Koehler, the member of the United States delegation who this year coordinated the negotiations on the draft resolution on fisheries. We also appreciate very much the efforts of Commander Marcos de Almeida of Brazil, who very skilfully coordinated the negotiations this year on the draft resolution on oceans.

Mr. Bradshaw (United Kingdom): I have the honour to speak on behalf of the European Union and the European Community as a party to the Convention on the Law of the Sea. The following countries have aligned themselves with this statement: the acceding countries Bulgaria and Romania, the candidate country Croatia, the countries of the Stabilization and Association Process and potential candidates Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia and Serbia and Montenegro, as well as other aligning countries, Moldova and Ukraine.

The European Union attaches great importance to the international community's development of a coherent, integrated and equitable approach to the sustainable management and conservation of oceans and their resources, both in areas under the responsibility of coastal States and beyond the limits of national jurisdiction. The European Union's determination to play its part is demonstrated by its recent publication of its Thematic Strategy on the Protection and Conservation of the Marine Environment — the Marine Strategy — together with the proposal for its legislative underpinning.

That must be seen in the wider context of an all-embracing maritime policy for the European Union, on which the European Commission will publish a consultation document in the first half of 2006. The European Union looks forward to discussing that document with both the Members of the United Nations and relevant organizations of the United Nations.

The European Union attaches the highest priority to improving oceans and fisheries governance, including in areas beyond national jurisdiction. We see that as a key theme in the very substantive work of the General Assembly towards a comprehensive set of recommendations and commitments in this year's oceans and fisheries draft resolutions. They provide an excellent account of the many issues that need urgent attention from the international community.

Among them, two governance issues straddle the two draft resolutions, to which the European Union attaches particular importance: combating illegal, unregulated and unreported (IUU) fishing, and addressing the conservation of vulnerable marine ecosystems. IUU fishing is a fundamental threat to sustainable fisheries and ocean ecosystems. It also represents a major loss of revenue to States, notably developing countries. Significant progress in addressing the problem is being made in certain areas, particularly in southern oceans. That demonstrates that combating IUU fishing effectively is indeed possible if parties act decisively on their commitments. However, much remains to be done.

We welcome the important work being developed by the Food and Agriculture Organization and the Task Force on High-Seas Fishing. We also look forward to continuing our efforts, in cooperation with our counterparts, to reinforce control schemes within regional fisheries management organizations. In that regard, the European Union places particular emphasis on the need of major markets for fish and fish products to take measures to eliminate the commerce on which IUU fishing fleets rely. It is also necessary to continue and enhance assistance to developing States to develop control and management capacities that will allow them to contribute to this global effort. There must also be a firm commitment by all parties to reinforce controls at port and to effectively regulate trans-shipment at sea.

Most importantly, we need to address the crucial issue of the genuine link between States and their flagged vessels — an issue that is much broader than IUU fishing alone. The key in that regard is that flag States must exercise effective control over ships flying their flags, taking all necessary measures to establish effective maritime administrations to ensure compliance. In that connection, the European Union looks forward to the introduction later this year, at the International Maritime Organization, of the Member State Audit Scheme.

With regard to the protection of vulnerable marine ecosystems, the European Union would like to draw the Assembly's attention to two key processes set out in these draft resolutions. The first concerns addressing the impacts of fishing. We believe that every effort must be made to ensure a successful outcome of the two-year process foreseen in paragraph 71 of resolution 59/25, as confirmed this year. States must be ready to take full account of the outcome of that exercise, with a view to a frank discussion at the sixty-first session of the General Assembly.

The second key process is next February's meeting of the United Nations Ad Hoc Open-ended Working Group on marine biodiversity in areas beyond national jurisdiction. We see the meeting as an opportunity to engage with all key stakeholders about the way forward. We recognize that, as well as tackling immediate sectoral threats, the international community may need to take additional integrated measures, including establishing marine protected areas. In that context, the European Union has already expressed its support in principle for the elaboration of an implementation agreement consistent with the United Nations Convention on the Law of the Sea. We also recognize the need to address the issue of genetic resources.

To ensure progress, the review of the state of play that will be undertaken by the meeting in February must be rigorous. Again, States must be ready to take full account of the outcome of the meeting, with a view to frank discussion at the sixty-first session of the General Assembly. It is imperative that the General Assembly be able at that time to effectively address the protection of biodiversity in areas beyond national jurisdiction, as well as any shortcomings in the international fisheries management regime that might be identified in that context. The European Union hereby declares its commitment to contribute actively to the attainment of those objectives.

The European Union (EU) would like to stress the importance of the principle of freedom of navigation, including the rights of innocent passage and transit passage through straits used for international navigation. In addition, port States should exercise their right with regard to access to their ports in a manner that is non-discriminatory and consistent with the United Nations Convention on the Law of the Sea and international law.

On the issue of security and safety at sea, the European Union would like to highlight the adoption, on 14 October 2005, of the two protocols amending the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The European Union considers that the 2005 protocols add important provisions to the existing instruments, enhancing efforts against terrorism, and recommends their early ratification. The EU also urges States to take appropriate measures to ensure their effective implementation.

The European Union fully supports the renewal of the mandate of the United Nation's Informal Consultative Process on Oceans and the Law of the Sea (ICP). The Consultative Process has contributed positively, inter alia, and by facilitating the annual review of the Secretary-General's report on oceans and the law of the sea. At the same time, we recognize that some improvement in the workings and contents of the Consultative Process need to be made. We look

forward to the early appointment of the two co-chairpersons for the next meeting of the Consultative Process, so that they can begin effective preparations in conjunction with States and relevant bodies.

In that connection, we would note, however, that the European Union attaches great importance to resolving the discrepancy that currently exists between the observer status of the European Community and its competencies — whether exclusive or mixed — with respect to many issues that have been discussed in previous ICP meetings. The European Community is a contracting party to the United Nations Convention on the Law of the Sea and the United Nations 1995 Fish Stocks Agreement in its own right, and has thus accepted legal obligations with respect to oceans and law of the sea that are particularly relevant to the Consultative Process. Although no solution could be found this year, we welcome the commitment of delegations to continue negotiations bilaterally with a view to resolving the problem in the near future.

The European Union welcomes the decision to launch the first regular phase of the Global Marine Assessment (GMA). We see the Assessment as an important vehicle for improved cooperation between the agencies of the United Nations and other bodies, as well as a firm basis for improved oceans policy-making.

In conclusion, we would like to express our appreciation for the annual report on oceans and the law of the sea provided by the Secretariat. It is an invaluable compilation of recent developments. Let me reiterate on behalf of the European Union that we consider the General Assembly to be the appropriate place to discuss the report.

Mr. Neil (Jamaica): I have the honour today to speak on behalf of the member States of the Caribbean Community (CARICOM). We thank the Secretary-General for his report (*A/60/63*), which, as usual, provides a comprehensive overview of recent and ongoing activities relating to oceans and the law of the sea.

We also take the opportunity to commend the Division for Ocean Affairs and the Law of the Sea, as well as its partners, such as the United Nations Institute for Training and Research (UNITAR), for continuing to provide guidance and support to Member States in implementing the provisions of the United Nations Convention on the Law of the Sea. We look forward with interest to the Division's plans to take a more proactive approach in assisting States to face the challenges of implementing the Convention and of deriving its benefits.

CARICOM member States welcome the opportunity to reaffirm the integrity of the Convention as the overall legal framework governing ocean activities. We are encouraged by the progress made towards universal adherence to the Convention, and we are pleased to see that, since our last debate, the number of ratifications has increased, raising the number of States parties to 148. We are pleased that, at the meeting of the States parties in June of this year, the Secretary-General for the first time presented a report in accordance with article 319 of the Convention.

Over the past year the three institutions created by the Convention covered new ground in carrying out their mandates. The International Seabed Authority continued to make progress in developing the framework for cooperation in the area of seabed resources. It is moving closer to realizing the goal of elaborating regulations for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts in the international seabed area and for the conservation of biodiversity in the seabed. As that process evolves, it is important that States parties remain actively engaged by ensuring their full participation through attendance at sessions of the Authority.

We also commend the Authority for its continuing role in providing training through annual workshops on the scientific and technical aspects of seabed mining and also on the critical area of protection and preservation of the marine environment.

We have also seen progress and increased activity in the work of the Commission on the Limits of the Continental Shelf, which is now considering several new submissions, with a number of additional ones forthcoming in the near future. We also wish to make special mention of the trust funds for assisting with submissions and for participation and support. We call for additional resources to be made available to facilitate the fullest participation in the work of the Commission.

The International Tribunal for the Law of the Sea has established a reputation for addressing, in a timely

and efficient manner, the submissions received from States for the settlement of disputes relating to various provisions of the Convention. The range of cases for which judgement is sought is also an indication of growing confidence in the Tribunal. We welcome the signing of the Headquarters Agreement between the Tribunal and the Government of Germany, providing stable arrangements for the functioning of the Tribunal.

Special emphasis has been given in the Secretary-General's report to the importance of marine scientific research, which was brought into painful and sharp relief by the Indian Ocean tsunami of December last year. The States of the Caribbean Community have also recognized the link between that often overlooked aspect of the Convention and the use of marine resources for sustainable development, the improvement of navigational safety and its contribution to the prevention of disasters, especially in the development of early warning systems.

The report also highlights many recent developments relating to the safety of navigation, the welfare of seafarers and the protection of the marine environment, as well as capacity-building activities. Those are matters of prime importance to CARICOM States from the standpoint of economic and social development and security interests.

The Caribbean Community places special importance on the Mauritius Strategy for Implementation, adopted at the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, held in January this year. Under the Mauritius Strategy, CARICOM States commit themselves to carrying out further implementation of the Programme of Action in areas such as integrated ocean and coastal management, maritime delimitation, the management of coral reefs and associated ecosystems, the development and implementation of waste-management strategies and the strengthening of sustainable and responsible fisheries management mechanisms. We reiterate the call in the Mauritius Strategy for the international community to provide the necessary support to enable small island developing countries to undertake their implementation activities effectively.

We are convinced of the need to strengthen marine scientific research in coastal States and are therefore pleased at the evident increase in interest in this area. In October this year, a Chinese research vessel made a visit to the region and to the headquarters of the International Seabed Authority as part of the vessel's first-ever round-the-world research mission, which began in April 2005. States of the Caribbean Community continue to make a contribution to global marine scientific research. However, we are developing countries and there is a need to ensure stable financial and technical support to our countries if such efforts are to be sustained.

The Caribbean Community has a special interest in the protection of the Caribbean Sea. Our Governments have long expressed concern about the transportation of hazardous materials through the Caribbean Sea, given the risk of serious damage to its fragile ecosystems and marine resources, which are vital to our existence. Of special concern is the transportation of nuclear waste materials, which we have consistently opposed. We continue to urge the parties concerned to refrain from the use of the Caribbean Sea as a transit route for such shipments.

At the broader level, we recognize the importance of continuing to work towards the further development and strengthening of international regulatory regimes for the transportation of hazardous materials by sea. In this respect, encouraging progress is being made in the implementation of the Action Plan for the Safety of Transport of Radioactive Material, which was approved by the Board of Governors of the International Atomic Energy Agency in March 2004. We urge the States concerned to continue their efforts in the implementation of all areas of the Action Plan.

The past year also saw a number of activities in the development and implementation of measures to strengthen maritime transport safety and security. States of the Caribbean Community commend the International Maritime Organization for its efforts, particularly those aimed at improving flag State control. We urge the organization and its member States to continue to elaborate regulations to improve safety standards for ships and to establish an effective compensation regime in the event of accidents.

We join with other States in expressing concern about the continued incidence of piracy, armed robbery and smuggling at sea and at the increasing level of violence associated with those activities. We urge all States to take seriously those threats to maritime safety and to continue to collaborate with all relevant

stakeholders, including the shipping industry, coastal communities and the international community, to properly address those concerns.

We also wish to emphasize the importance of ensuring cooperation in interdiction and other security measures to restrict illegal activities in the Caribbean Sea. That should not be confined to concerns about drug trafficking and weapons of mass destruction, but should also extend to the illicit traffic in small arms and light weapons, which constitute a serious danger to stability in the region. We would also urge that creative methods be found to assist CARICOM States in their interdiction efforts, particularly in the acquisition of equipment and vessels, in the light of the extreme difficulties of accessing concessional financing for such purposes.

The CARICOM States wish to express appreciation for the ongoing work of the Regional Seas Programme of the United Nations Environmental Programme, through the Caribbean Environment Programme, which continues to assist in coordinating the region's implementation of the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region. We have taken steps to implement action plans and advance work in focus areas such as coral reef management, sustainable tourism and environmental education.

There is growing awareness in the region of the impact of land-based sources of marine pollution, which is estimated to be responsible for about 80 per cent of all pollution entering the oceans. The concept of marine protected areas is also gaining greater understanding and support, with several territories in the region having been designated such areas. The Secretary-General's report highlights the growing problem of marine debris and its link with land-based sources of pollution, as well as the issue of noise pollution. We will, of course, do everything in our power, subject to our resource constraints, to investigate and address those two issues, and we support the call on States in the draft resolution before us to integrate the issue of marine debris with waste management.

There is a need for stronger financial and technical support, as well as investment, on terms favourable to CARICOM States, so as to enable them to establish and improve port reception facilities in their territories.

The CARICOM Regional Fisheries Mechanism, which was recently formed, has already begun to make a positive contribution to the collaborative effort to improve capacity in fisheries management in the region. In this regard, we should mention that there is still a great deal of concern about the persistence of illegal and unregulated fishing in Caribbean waters, which is challenging the economic and social viability of our fisheries and undermining the effectiveness of conservation management. In some areas those activities are damaging the ecological systems of the Caribbean Sea.

While CARICOM States have demonstrated their commitment to the United Nations Convention on the Law of the Sea by ratifying it, their ability to effectively implement the provisions is constrained by inadequate resources. In this context, we are requesting that the International Hydrographic Organization intensify its efforts to build capacity in developing countries for the production of electronic nautical charts to provide data and information that can be used in fisheries activities and for other uses, such as the delimitation of maritime boundaries.

With so many delimitation negotiations of great complexity to be undertaken and completed in the region, broader regional cooperation is needed. In that connection, we welcome the Conference on Maritime Delimitation in the Caribbean, an initiative of the Government of Mexico. It is our hope that the States of our region will take advantage of that mechanism created to assist the region's coastal States in preparing for maritime delimitation negotiations in accordance with the provisions of the Convention.

Finally, CARICOM States express their appreciation to the various partners that have contributed technical and financial assistance to the States of the Community over the years. We emphasize the need for continued support for capacity-building in order to effectively implement the Convention and all associated programmes in the area of oceans and the law of the sea.

Ms. Takaku (Papua New Guinea): As Papua New Guinea is the current Chair of the Pacific Islands Forum, I have the honour to speak on behalf of Australia, Fiji, Kiribati, the Republic of the Marshall Islands, the Federated States of Micronesia, Nauru,

New Zealand, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and my own country, Papua New Guinea.

Issues concerning oceans, fisheries and the law of the sea are of great importance to Pacific Island Forum countries. Our history, societies, cultures and economies are heavily dependent on, and integrally linked to, the sea. Although we differ in certain respects, the members of the Pacific Island Forum share a strong and unifying collective interest in the ocean spaces that connect us. We have a common role as joint custodians of the sea and a common objective of realizing, over the long-term, the enormous value of its resources.

We are firmly committed to the proper conservation and management of the oceans. We are pleased to support the draft resolutions under consideration today.

Members of the Pacific Islands Forum launched the Pacific Islands Regional Ocean Framework for Integrated Strategic Action at the Mauritius International Meeting in January this year. We are pleased with that initiative and look forward to providing regular updates on implementation undertaken at the national level to achieve better, integrated oceans management in the Pacific Islands region.

In the context of integrated oceans management, Pacific Island Forum members welcome the renewal of the mandate of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The focus of the Informal Consultative Process on cross-cutting and practical oceans issues makes an invaluable contribution to the annual oceans debate.

We consider that the current broad participation in the Informal Consultative Process, including by non-governmental organizations and inter-governmental organizations, is important and ensures a rich and informed discussion. Civil society participation in United Nations discusstons on oceans and fisheries issues has brought new perspectives and challenges to the positions of States. We look forward to the productive and balanced continuation of that dialogue. We also look forward to ongoing improvements in the functioning of the Informal Consultative Process.

The annual debate and resolutions on oceans and law of the sea are important and must continue. We see them as part of the ongoing strengthening of oceans governance. We believe that the unique Pacific perspective must be incorporated into and reflected in that process. However, participation in the whole menu of United Nations negotiations and consultations presents a continuing challenge for smaller States. We are pleased that, in this year's draft resolution on oceans and the law of the sea, the General Assembly has addressed the problem of scheduling clashes in concrete terms. We also support limiting the time frame for consultations next year to four weeks. Pacific Islands Forum members encourage United Nations Member States to do their utmost to ensure that the time allocation is used efficiently and effectively.

We also note that the oceans and fisheries draft resolutions continue to grow in length. While it is good that lively discussion on those issues grows, the same does not apply to resolutions. Much impact is lost with added length. We encourage Members States to consider innovative ways to ensure that the draft resolutions remain concise and salient expressions of current oceans concerns.

We, the 14 members of the Pacific Islands Forum, support the establishment of the Ad Hoc Open-ended Informal Working Group on marine biodiversity beyond national jurisdiction, which will meet in February 2006. The whole range of issues falling within the mandate of the Working Group are of great importance to us. We hope that the meeting will help us to identify ways the international community can work together to improve the conservation and management of the ocean's biodiversity.

As we have said in the past, Pacific Islands Forum members come from a region that has a high concentration of vulnerable marine ecosystems, including coral reefs and underwater seamounts. We are well aware of the need to take urgent action to prevent, and manage the effects of, destructive fishing practices, including bottom trawling, which have an adverse impact on vulnerable marine ecosystems, and we firmly support such action. We are seriously concerned about the destruction caused by those activities. In the communiqué issued by the Pacific Islands Forum in October this year, Forum leaders noted the call for a moratorium on deep-sea bottom trawling and for the creation of a legal framework to manage that method of fishing in order to protect

biodiversity in the high seas. Forum leaders are seriously concerned about the problem and have agreed to develop an appropriate legal framework for consideration in 2006 and are giving thought to an appropriate legal framework within our region to address that concern.

Closely related to issues of governance of the high seas, Pacific Islands Forum members continue to view illegal, unreported and unregulated (IUU) fishing with concern. We regard it as one of the greatest threats to the future sustainability of our regional marine resources and environment. While significant effort is being expended in various forms to address the problems caused by IUU fishing, we believe that we must do more. Further study of the overall governance of the high seas is necessary if we are to move the issue forward. We continue to urge our partners to cooperate with us to achieve that end.

We welcome the review of the United Nations Fish Stocks Agreement. In particular, we encourage greater participation in, and the effective implementation of, the Agreement.

We note the important work of the Commission on the Limits of the Continental Shelf. This past year, the Division of Ocean Affairs and the Law of the Sea has undertaken valuable capacity-building efforts in the Pacific region connected with the Commission's work. We would like to take this opportunity to point out the continued challenges faced by small island developing States in the preparation of their submissions to the Commission.

Pacific Island Forum members welcome the focus given this year to the particular needs of small island developing States with regard to the use and development of fisheries within their jurisdiction.

Pacific Island Forum countries have shown leadership in the conservation and management of the world's rich ocean resources. We continue to look forward to working with others towards that common objective.

Finally, we thank the coordinators for the effective manner in which they conducted the negotiations, as well as all of the staff of the Division of Ocean Affairs and the Law of the Sea for their greatly valued support.

Mr. Navoti (Fiji): Fiji associates itself with the statement made by the representative of Papua New Guinea on behalf of the Pacific Islands Forum.

The future of our planet and our security depend upon an intimate understanding of ocean processes and their interaction. That has always been our belief in the Pacific, and it has ensured our continued existence in our aquatic continent since time immemorial.

We thank the Secretary-General for his reports issued regarding this agenda item and commend the staff of the Division of Ocean Affairs and the Law of the Sea (DOALOS) for their continued assistance in matters relating to oceans and the law of the sea. Fiji also acknowledges the contribution of other United Nations agencies and bodies, non-governmental organizations and interest groups, which have continued to contribute to ensure that our relationship with the sea and its resources remains one that offers perpetual mutual benefits to all humanity.

Mr. Sardenberg (Brazil), Vice-President, took the Chair.

Fiji, like others, recognizes the inter-dependability of fisheries and food security and their importance for the attainment of national economic and social goals and the well-being and livelihoods of fishing individuals and families. The rural fishery centres, established in recognition of that fact, are part of an ongoing development programme that aims to facilitate better market access for our local fishermen. The sale of ice and ongoing subsidy programmes to assist rural-based fishermen with one- to two-thirds funding assistance for boats and engines are two further initiatives to that end.

In order to conform with the universally accepted principle of sustainable fisheries management, the Fiji ministry responsible for fisheries has set itself four key targeted outcomes: the sustainable use of all fisheries products; the creation of livelihoods through small and micro-enterprise development; support for community livelihoods through competitive exports and efficient food security; and the promotion of equitable participation by all in priority areas of socio-economic development.

The Government of Fiji continues to consider as well spent the allocation of money or other resources to fisheries, particularly given that an investment of

$5.9 million in 2004 realized a return to the local economy of $347 million in the same year.

The acknowledgement by the Secretary-General in his report contained in document A/60/63 that the concept of the precautionary approach has received wide recognition and that the increased adoption of marine protected areas is an important tool for fishery conservation and management, indeed represents a welcome and encouraging development. We have been working with other organizations in the establishment of marine protected areas in Fiji. Earlier this month, the World Wide Fund for Nature (WWF) awarded Fiji the WWF Leadership Award, to commend our commitment to conservation and sustainable development.

Fiji also understands the importance of the interaction between fishing activities and ecosystems, particularly as concerns its long-term impact, including the adverse effects of removing numerous species from the marine environment. To that end and despite the fact that the export of tuna constitutes about 94 per cent of all export earnings of fish, Fiji has reduced the number of tuna fishing licenses issued annually from 103 in 2002 to 72 in 2005. Furthermore, we are now looking at the feasibility of declaring all of Fiji's archipelagic and territorial waters a reserve, of restricting the use of longliners and purse-seiners and of enhancing game fishing in the context of recreational fisheries as a viable option.

Coral reef ecosystems are invaluable human treasures. They support the most diverse marine communities and beautiful seascapes on the planet and provide wave-resistant structures and resources for local communities, fisheries and tourism. That is true for Fiji. It is disheartening to note that coral reefs are now under serious threat of collapse owing to over-fishing and the development of coastal zones, which includes dredging, landfills and terrestrial run-off, as well as climate change. Such activities act synergistically to stress coral reefs, leading to severe bleaching and extensive coral mortality.

Fiji notes the need for the mainstreaming of sustainable coral-reef management into national development strategies. We support the International Coral Reef Initiative and acknowledge the work carried out under the Jakarta Mandate on Marine and Coastal Biological Diversity. Local coral conservation initiatives carried out in Fiji and in other parts of the world by concerned and independent international organizations, such as the United Kingdom-sponsored Coral Cay Conservation Trust, to name but one, are also worthy of our recognition. We make these remarks knowing full well that coral reefs add economic value to our tourism industry.

Regulations relating to reserves, conservation, sustainable development, the reduction of fishing licences and so forth cannot be enforced without the cooperation and commitment of our near, as well as our distant, neighbours. This also requires a change in the attitude of unscrupulous businessmen, who think nothing of the damage sustained by the sea and focus solely on profit.

International cooperation is essential for the successful implementation of the United Nations Convention on the Law of the Sea (UNCLOS). Continued global, regional and subregional partnerships will improve our understanding of ocean processes and ensure that its resources are preserved for the enjoyment of our children. Fiji acknowledges the cooperative efforts of regional fisheries management organizations towards this partnership and encourages the sharing of scientific information between them for our general betterment. We would like to take this opportunity to acknowledge the valuable contribution of the Pacific Islands Forum fisheries agencies and other oceans and fisheries organizations in the Pacific for the advice they provide to Governments in our region on oceans and fisheries-related matters.

While many small island developing States have integrated the management of coastal and marine resources into broader ocean-management strategies since the entry into force of UNCLOS, the implementation of the Convention continues to be impeded by financial constraints and lack of capacity. Fiji has acknowledged, and will continue to acknowledge, all capacity-building initiatives and assistance rendered by Member States, United Nations bodies and agencies, international organizations, non-governmental organizations and others that focus on the sustainability and development of our national competencies.

Fiji is mindful of all its obligations under the Convention, in particular those relating to the limits of the continental shelf. The first regional workshop on the continental shelf — held in Fiji earlier this year and

organized by the Division for Ocean Affairs and the Law of the Sea, the South Pacific Applied Geoscience Commission and the Commonwealth Secretariat — helped enhance the knowledge and skills of our people and develop an in-depth understanding of the full procedure for preparing the submission of the required technical and scientific data. In addition, various fields of expertise have to be combined to prepare submissions that are in conformity with the technical and scientific requirements of article 76 of the Convention and in accordance with the guidelines prepared by the Commission on the Limits of the Continental Shelf. For that, we are indeed grateful.

We reiterate our concern at the insufficiency of scientific information on the destructive environmental impact of deep sea fishing practices, in particular bottom trawling. Pacific Island leaders have noted a proposal by the Republic of Palau for a moratorium on deep sea bottom trawling and for the creation of a legal framework to manage that method of fishing in order to protect biological diversity on the high seas, and they agreed to develop an appropriate legal framework for consideration by the Pacific Islands Forum in 2006. The Pacific Islands Forum Fisheries Agency and the Secretariat of the Pacific Community were tasked with implementation of that decision. We are keeping a keen eye on further developments on that matter.

Fiji welcomes and supports the decision to continue the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea for the next three years. We have always found that forum useful and are looking forward to continuing our participation in it. We also commend all delegates who have worked in cooperation to finalize this session's draft resolutions on oceans and the law of the sea and on sustainable fisheries. We endorse the content of those draft resolutions and recommend their adoption.

The sea has always provided us with food to sustain us, sea lanes to facilitate our trade, minerals to provide power, medicines to cure our many ills and a natural moat to curb our warlike nature. How long that common heritage of mankind can continue to be kind to us is a question to which we must all find a collective solution. It has always been our contention that the sea can survive without us, but we cannot live without the sea.

Mr. Rodríguez Zahar (Mexico) (*spoke in Spanish*): At the outset, we thank the coordinators of the two draft resolutions, Mr. Marcos Almeida and Mrs. Holly Koehler. We also thank the Division for Ocean Affairs and the Law of the Sea for their various reports and for administering various capacity-building programmes for developing countries.

Progress has certainly been made. But, regrettably, we continue to see signs of deterioration of the marine environment and States' failure to fulfil their obligations in adhering to and implementing the international legal regime of the law of the sea. In that context, we believe that cooperation and coordination at all levels, the establishment of interdisciplinary and comprehensive focal points for carrying out ocean-related polices and recognition of the jurisdiction of the competent legal organs for providing peaceful solutions to disputes will ensure the effectiveness of the legal, technical and political tools at our disposal, in particular the 1982 Convention on the Law of the Sea.

One of the technical tools that requires priority attention is the ecosystem approach in oceans management. For that reason, we welcome the fact that the next meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea will focus on that theme. It is essential to reach international consensus on the nature and the scope of that tool and its application in various sectors, such as fisheries management.

In that regard, we note that although a single theme was chosen for the next meeting of the Consultative Process, it is Mexico's understanding that themes should be selected according to their nature, complexity and scope. The decision to address a single theme should be an exception.

Mexico underlines the valuable work of the Commission on the Limits of the Continental Shelf, and we express our concern at the logistic implications that the Commission's significantly increased workload will have in the foreseeable future. States parties to the Convention should reflect on the options for addressing the problems created by the additional workload.

Mexico considers it important that the draft regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts now being negotiated in the International Seabed Authority reflect the principles of contemporary international law, in particular international environmental law, with the aim of establishing an

objective regime of liability for damage to the marine environment of the Area. We believe it important that the Authority consider the possibility of changing the dates of its meetings in order to improve attendance in Kingston. It is essential that the meetings continue to be held at the Authority's headquarters.

Mexico reaffirms the importance of promoting capacity in the preparation of reliable nautical charts that ensure navigational safety and the protection of the environment, in particular vulnerable marine ecosystems such as coral reefs. It is essential for financial institutions to provide resources for the transition to electronic nautical charts.

The international community should give special attention to the protection of the human rights of seafarers, especially because of the frequent violations of their right to due process. Thus, the Convention's provisions on the prompt release of vessels and their crews, penalties for the pollution of the marine environment by foreign vessels and the recognized rights of the accused must be respected.

With respect to the maritime transport of radioactive materials and the lack of adequate regimes to establish responsibility and compensation in the case of accidents, while we recognize progress made in the framework of the International Atomic Energy Agency (IAEA), we share the Caribbean Community's opinion that more effective steps should be taken to address the concern of small island and other coastal States.

With respect to the conservation and sustainable use of marine biological diversity beyond national jurisdiction, we look forward to the outcome of the efforts of the Ad Hoc Open-ended Working Group, which meets next February. We believe that all issues within the Working Group's mandate should be examined in detail. In addition, we want to emphasize that, in accordance with resolution 59/25, consideration of substantive questions associated with the impact of deep-sea bottom trawling on vulnerable marine ecosystems shall not be resumed until next fall.

Mexico believes it essential that States not parties to the 1995 Fish Stocks Agreement participate on equal footing in the Agreement's review conference and its preparatory process. The conference's rules of procedure should fully respect article 36 of the Agreement by allowing only intergovernmental and non-governmental organizations to participate as observers. Hearing the concerns of non-parties is the only way to achieve the Agreement's universality.

Responsible international commerce is, without doubt, crucial to ensuring that fishing contributes to sustainable development. Essential to achieving that goal are the proposed systems for certification and eco-labelling, provided that they are in conformity with international law. Real, non-discriminatory access to markets is needed, while unnecessary and hidden trade barriers and distortion must be eliminated, in accordance with the principles contained in the Code of Conduct for Responsible Fisheries.

Mexico wishes to stress that it interprets the reference to marine protected areas in paragraph 75 of the draft resolution on sustainable fisheries as referring to areas that serve purposes of protection and conservation in fisheries management, in accordance with paragraphs 100 to 103 of the report of the twenty-sixth session of the Committee on Fisheries (COFI) of the United Nations Food and Agriculture Organization (FAO). That sense is covered in Mexican legislation.

Mexico attaches special importance to the topic of capacity-building and the transfer of marine technology. We therefore commend the fact that the draft resolution on sustainable fisheries notes the importance of capacity-building in helping developing countries to participate in high seas fishing. Similarly, Mexico believes that capacity-building and cooperation at the regional level are crucial. Keeping that in mind, Mexico has continued to provide financial resources to the assistance fund of the Caribbean Conference on Maritime Delimitation.

In that respect, we are pleased by the recent election of Jamaica as President of the Conference. Furthermore, Mexico believes it is crucial that there be specialized technical mechanisms which, through the coordination of various competent agencies, can address the problems of oceans. Therefore, we support the establishment of United Nations Ocean and Coastal Areas Network, whose results should be circulated to all States and whose deliberations should take into account the views of Member States, in particular in the work of its task forces.

We are pleased that agreement has been reached on the start-up phase for the submission of periodic reports and evaluation of the status of the world's oceans — including socio-economic aspects, where there must be significant participation by developing

countries in the group of experts to be formed by the agencies that will lead that phase. We welcome the fact that the General Assembly has called upon the United Nations Environment Programme (UNEP) and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to participate in that work. However, we wish to note that in subsequent stages of the process, we should consider which agencies should deal with the task.

The scale and great variety of subjects covered by both draft resolutions are clear proof of the strategic importance of ocean affairs in the world in recent years. The continued productivity of oceans depends on whether the international community uses them in a sustainable manner, and requires that we properly recognize that the problems of oceans are closely interrelated and must be considered as a whole.

Given that the international community is faced at present with new challenges concerning oceans, currently as well as in the past, the Convention on the Law of the Sea continues to provide the legal framework and focus for all ocean activities.

Mr. Chaabani (Tunisia) (*spoke in French*): At the outset I would like to take the opportunity to thank the Secretary-General of the United Nations for his comprehensive reports on fisheries and on the oceans and the law of the sea. I would also like to thank the coordinator of the informal consultations on the draft resolutions that are before us, as well as the Division for Ocean Affairs and the Law of the Sea for their ongoing contributions and their commitment to the success of our work.

We also wish to take this opportunity to note with pleasure the role and the work of the institutions that have been set up under the United Nations Convention on the Law of the Sea: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

Next year will be an important one for the oceans and the law of the sea, in particular with the launching of a process to establish a global international legal framework governing biological resources in sea areas beyond national jurisdictions.

Next year, we will also see the holding of a review conference on the 1995 Agreement on the management and conservation of fish stocks, which complements the Montego Bay Convention.

The current debate and the draft resolutions before us assert the commitment of the General Assembly to the issues concerning the oceans and the law of the sea in a context marked by the fear of the serious implications for future generations of the deterioration of marine ecosystems and the excessive exploitation of marine biological resources.

As is shown by the outcome of the World Summit on Sustainable Development, there is a growing awareness of the importance of the oceans and the seas for land-based ecosystems. They play a critical role in ensuring global food security — in particular in developing countries — by maintaining economic prosperity and contributing to the well-being of current and future generations.

We believe that the General Assembly should play a role in protecting and ensuring the sustainable use of fisheries resources, in particular by managing, coordinating and controlling programmes put in place by the specialized bodies and institutions.

In that context, my country is following with interest the efforts aimed at establishing a moratorium on deep-sea bottom trawling. However, my country believes that fisheries beyond national jurisdictions in partially closed seas, such as the Mediterranean, should be controlled within the framework of regional fisheries organizations on the basis of work and studies carried out by those bodies.

Here, we support the unanimous decision taken by the General Fisheries Commission for the Mediterranean, which bans trawling in the high seas where the sea depth is greater than 1000 metres. The protection and preservation of the marine area and its resources is a source of constant concern for Tunisia, which is a developing coastal country whose territorial waters are adjacent to the high seas.

In that context, Tunisia has adopted, last June, a law that creates an exclusive economic zone on its shores, in line with the relevant provisions of the United Nations Convention on the Law of the Sea and following similar declarations made by various countries in the region. We will, as necessary, delimit the outer limits of that zone through joint work with the neighbouring States concerned.

In creating a regime for exploiting the seabed beyond national jurisdictions that provides for fair sharing of the resources, the Convention reflects the desire for a fair and equitable international economic order to control the oceans. The concept of humanity's common heritage, as expounded upon in the Convention, embodies the hopes of developing countries for a world based on peace, justice, solidarity and progress for all.

For that reason, while we understand the reasons given for reconsidering some of the aspects of the regime as set out in the Convention, including adapting the Convention to current economic and political realities, Tunisia stresses the interest of developing countries to preserve the spirit of the Convention.

We therefore look forward to the launching of the work of the Ad Hoc Open-ended Informal Working Group, whose mandate is to study questions relating to the conservation and sustainable use of marine biological diversity in those areas beyond national jurisdiction.

Mr. Shin Kak-soo (Republic of Korea): My delegation thanks the Secretary-General for his comprehensive and informative report on oceans and the law of the sea (*A/60/63*). We also commend Mr. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, and his staff for their dedicated work and their invaluable assistance to Member States. Finally, we would like to thank Mr. Marcos Lourenço de Almeida of Brazil and Ms. Holly Koehler of the United States for their excellent work in coordinating the two draft resolutions before us.

Currently, the number of parties to the United Nations Convention on the Law of the Sea (UNCLOS) stands at 149, while the number of parties to the Agreement relating to the implementation of Part XI of the Convention has increased to 122. Given the centrality of the Convention as the global legal framework for the governance of the oceans and seas, it is important that all activities in the oceans and seas be carried out within that framework and that the integrity of the Convention be maintained. We join other States in urging those that have not yet done so to accede to the Convention and to the Agreement as soon as possible.

As the implementing mechanisms of the Convention, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf have all played important roles. The Republic of Korea has been actively participating in their work and will continue to do so. Because the omnibus draft resolution encourages all States parties to the Convention to attend the sessions of the International Seabed Authority, wider participation should be ensured.

The oceans and seas are invaluable to the welfare of humanity, providing living and non-living marine resources and vital means of transportation. Unfortunately, however, maritime security is a serious concern for many seafaring States. In particular, piracy and armed robbery at sea require vigilance at the subregional, regional and international levels. To eradicate the scourge of piracy and armed robbery against ships currently plaguing the waters of South-East Asia, 16 countries have adopted a Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. As one of those 16 countries, the Republic of Korea is in the process of completing the domestic process of signing that Agreement and advancing its early entry into force.

The development of marine science and technology is crucial in providing the data and evidence to enable the international community to optimize its resources for carrying out necessary measures. In that regard, my delegation underlines the importance of scientific and technical cooperation in ocean affairs, including the exchange of information, as well as joint research activities.

To achieve the conservation, management and sustainable use of living marine resources, States must cooperate to prevent, deter or eliminate illegal, unreported and unregulated fishing activities. In enhancing such cooperation, the international community should set priorities for the measures that must be taken.

The Republic of Korea has put in place a framework to prevent the operation of substandard vessels and to exercise effective control over vessels flying its flag in order to prevent or deter them from engaging in illegal, unreported and unregulated fishing. We are faithfully adhering to the international plan of action of the United Nations Food and Agriculture Organization (FAO) against illegal, unreported and unregulated fishing. We will continue to work together with other States, international organizations, such as

the FAO and all regional fisheries management organizations, to achieve responsible fishing. The Republic of Korea is also continuing to implement measures to protect the marine environment by preventing or reducing pollution from vessels and land-based sources.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea held its sixth meeting this year. Among the topics discussed was the very pertinent issue of fisheries and their contribution to sustainable development. With its third three-year cycle beginning next year, the Informal Consultative Process should maintain its relevance and usefulness, as well as its inclusiveness and open-ended nature.

Coordination and cooperation among various United Nations agencies, programmes and funds and other bodies related to international conventions are essential for the effective management of marine issues. In that regard, we expect that the Oceans and Coastal Areas Network will continue to strengthen its work.

The Indian Ocean tsunami demonstrated clearly that there is a strong need to establish an early warning and rapid response system for such disasters. To that end, the international community should engage in capacity-building cooperation to help developing countries strengthen their ocean-related infrastructures. The Republic of Korea is doing its part to enhance international cooperation by transferring marine technology to developing countries through the Korea International Cooperation Agency's funding and internship programmes.

In conclusion, the international community has long been collaborating to find common ground for ensuring safe transport and the sustainable use and management of marine resources. The United Nations has been a vital forum where States can engage in constructive dialogue on these important issues. As a responsible maritime State, the Republic of Korea will continue to participate actively in the ongoing process of ensuring sound governance of the oceans and seas.

Ms. Banks (New Zealand): New Zealand warmly associates itself with the statement presented by the representative of Papua New Guinea on behalf of the States of the Pacific Islands Forum, of which New Zealand is a member.

New Zealand is pleased to once again co-sponsor both the omnibus oceans draft resolution and the sustainable fisheries draft resolution. We would like to add a few additional comments to the debate on our own behalf.

We all know that 2006 will be a busy year for work on oceans and the law of the sea. States will tackle important cross-cutting oceans issues, such as marine biodiversity in areas beyond national jurisdiction, the review of the effectiveness of the 1995 United Nations Fish Stocks Agreement and the implementation of actions called for in last year's Assembly resolution 59/25 with respect to vulnerable marine ecosystems.

In February next year, an ad hoc open-ended working group will meet to discuss complex issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. It is clear to us that more must be done to protect marine biodiversity in those areas. New Zealand looks forward to the chance to discuss, under General Assembly auspices, the full range of issues arising within the mandate of the working group and to begin consideration of the mechanisms necessary to ensure proper protection, for the long term, of biodiversity beyond national jurisdiction. New Zealand reaffirms its readiness to engage seriously with others to work through the relevant issues to enhance protection of the marine environment.

New Zealand is a strong supporter of the United Nations Fish Stocks Agreement and urges wide participation in next year's review conference to assess the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. New Zealand strongly encourages appropriate application of the Agreement's general principles to discrete fish stocks in the high seas.

New Zealand warmly welcomes the renewal of the mandate for the Informal Consultative Process. We continue to believe that that forum provides an invaluable opportunity for integrated discussion on important oceans issues. It is a positive signal that States, while recognizing the need to strengthen and improve the efficiency of the Consultative Process, are supportive of its role.

New Zealand is concerned about the negative impacts of illegal, unregulated and unreported fishing,

particularly the extent to which it undermines conservation and management measures adopted by regional fisheries management organizations and, ultimately, the sustainability of fish stocks. We are pleased to see support for increased coordination and cooperation in important areas such as data collection, information-sharing, capacity-building and training. We hope those efforts will contribute to greater compliance with conservation and management measures.

New Zealand continues to believe that action to address the adverse impacts of fishing activities on vulnerable marine ecosystems is necessary and urgent. Last year we noted that New Zealand was taking its first steps towards the establishment of a new regional fisheries management organization in the Tasman Sea area — the area adjacent to New Zealand's waters. This year we are pleased to advise that in February 2006, New Zealand, with the support of Australia and Chile, will host the first intergovernmental meeting to discuss the establishment of a regional fisheries management organization in the South Pacific to regulate those species not covered by existing organizations. We see that initiative as an important step in extending the geographical coverage of such organizations and facilitating the adoption of robust conservation and management measures.

The Pacific Islands Forum addressed the need for management of deep-sea bottom trawling at its Leaders meeting in October. Like all members of the Pacific Islands Forum, New Zealand is seriously concerned about the need to protect biodiversity from the adverse impacts of that activity. We will also actively engage in the regional context to ensure better protection of vulnerable marine ecosystems.

During next year's General Assembly, Member States will meet to review progress on action taken concerning the impact of fishing on vulnerable marine ecosystems. Together with regional organizations, we as Member States must take the time to provide comprehensive information to the Secretariat on actions taken to regulate destructive fishing practices and bottom trawling that have adverse impacts on vulnerable marine ecosystems. Comprehensive reporting by States and regional organizations will ensure that next year's review is meaningful and that future decisions on further measures are well-informed. We look forward to the first draft of the Secretary-General's report, in July next year, on actions taken by States.

Finally, we thank the Secretary-General for his report, which is, as always, comprehensive and of great assistance to delegations and to the wider oceans constituency. We participated in the consideration of the report during the Informal Consultative Process earlier this year, which identified key issues of concern. As a sponsor, we fully support the reflection of those concerns and the conclusions reached in both draft resolutions under the agenda item.

Mr. Sen (India): My delegation welcomes the comprehensive reports of the Secretary-General on oceans and the law of the sea. We have studied with interest the Secretary-General's report on issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction, which was made available to assist the Ad Hoc Open-ended informal Working Group in preparing its agenda. We appreciate its high quality and are sure that the Ad-Hoc Working Group will benefit from the diverse information offered in the report.

The fisheries sector occupies an important place in the socio-economic development of India. It is a powerful income and employment generator, stimulates the growth of a number of subsidiary industries and is a source of cheap and nutritious food, besides being a foreign exchange earner. Most importantly, it is the source of livelihood for many economically marginal communities.

Harvesting of marine fish resources in India takes place at three levels, namely, subsistence fishing, small-scale fishing and industrial fishing. The recently adopted marine fishing policy of the Government of India advocates the protection and encouragement of subsistence fishermen, technology transfer to the small scale sector, and infrastructure support to the industrial sector. The policy also emphasizes that efforts should be made to fully comply with international requirements in post-harvest care of catch, so as to achieve the highest standards of food safety.

India attaches high importance to the effective functioning of the institutions established under the United Nations Convention on the Law of the Sea (UNCLOS). Given the geography of India, with a coastline extending 4,000 miles and with 1,300 islands, we have a traditional and abiding interest in maritime and ocean affairs. The large population in our coastal

areas and in the islands has always looked to the sea for sustenance. We will continue to extend our full cooperation and participate actively and constructively in all activities pertaining to the Convention and related agreements.

India's accession this month to the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea and to the Protocol on the Privileges and Immunities of the International Seabed Authority demonstrates our commitment to work closely with the institutions established under the Convention.

All of the subsidiary institutions under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, have made considerable progress in their respective areas of work over the past year. India has been working closely with all of those institutions. We have invested heavily in the exploration of minerals in the deep seabed. We continue to incur considerable expenditure for the collection of data as a primary investor and now as a Contractor.

The International Seabed Authority is currently involved in the development of a legal regime for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts. We appreciate the role of the Authority in the conservation of biodiversity in the Area, especially the elaboration of the rules, regulations and procedures to ensure the effective protection of the marine environment, the protection and conservation of the natural resources of the Area and the prevention of damage to its flora and fauna from harmful effects that may arise from activities in the Area.

We note with satisfaction the progress made by the Commission on the Limits of the Continental Shelf. The Commission becomes active as four coastal States have submitted their claims under article 76 of the Convention and a number of countries have indicated the coming submission of their claims between 2005 and 2008. The developing countries that are in the process of preparing submissions to the Commission might require help in some cases to enhance their capacity. In that regard, we appreciate the regional training courses conducted by the Division for Ocean Affairs and the Law of the Sea in Fiji and Sri Lanka and welcome the efforts made by the Division to organize training courses in Ghana and Argentina.

We believe that States that have expertise in the delineation of the outer limits of the Continental Shelf should also extend such cooperation by providing assistance to developing States that require expertise to submit their claim under article 76 of the Convention. In that regard, we would like to reiterate that India has the requisite expertise for assessment and mapping of the continental shelf. We have been and are willing to extend cooperation in training other developing countries for that purpose.

We also welcome in that context the efforts of the Division in publishing a training manual to assist States in developing the requisite knowledge and skills in preparing their submission in respect of the outer limits of the continental shelf. We are happy to note that the checking of the comprehensive training manual has been completed and its final version will be available shortly.

The International Tribunal for the Law of the Sea has been active as an independent judicial body established by the Convention to adjudicate disputes arising out of its interpretation or application. It has decided a number of cases involving a wide variety of issues, such as freedom of navigation and other internationally lawful uses of the seas, the enforcement of customs laws, refuelling vessels at sea, the right of hot pursuit, conservation and sustainable use of fish stocks, provisional measures and matters involving land reclamation. The Tribunal enjoys a high reputation for fairness and integrity. We congratulate the newly elected judges to the International Tribunal for the Law of the Sea and its new President.

The international community has continued to focus over the past year on issues relating to navigation, the conservation and management of living marine resources, and the conservation and management of the biological diversity of the sea-bed in areas beyond national jurisdiction. The discovery of highly complex and diverse ecosystems in areas beyond national jurisdiction, coupled with advances in the biotechnology sector, have led to increasing interest and activities in relation to genetic resources beyond national jurisdiction. As a corollary to those developments, the general debate over the legal status of genetic resources located in the sea-bed in areas

beyond national jurisdiction is also taking on increasing intensity.

The need to devise new approaches within the confines of UNCLOS to promote international cooperation aimed at the conservation and sustainable use of living resources of the high seas and benefit-sharing of sea-bed resources located in the areas beyond national jurisdiction cannot be overemphasized. The participation of developing countries in devising such new approaches greatly depends on the scientific information available to them. The promotion of the flow of scientific data and information, and the transfer of knowledge resulting from marine scientific research, especially to developing States, is therefore needed.

In the area of navigation, we would like to express our serious concern over the escalation of piracy and robbery at sea. Recent incidents involving the killing of crew members, hostage-taking and the hijacking of a ship chartered by the World Food Programme carrying food aid for Somali survivors of the Indian Ocean tsunami represent grave threats to maritime security. The international community must find ways and means to end this menace.

It is a matter of serious concern that efforts to improve the conservation and management of the world's fisheries have been hampered by the increase in illegal, unregulated and unreported (IUU) fishing activities on the high seas, in contravention of the conservation and management measures adopted by regional fisheries organizations and arrangements, and in areas under national jurisdiction, in violation of coastal States' sovereign right to conserve and manage their marine living resources.

Fishing over capacity is another negative factor which is responsible for creating a situation in which the harvesting exceeds the amount of resource available to harvest. Any action that would help in reversing the trend of over-fishing in many areas would help in the reduction of IUU fishing and guarantee the enforcement of the rights of developing coastal States. Another way of eliminating IUU fishing is to eliminate subsidies that contribute to illegal, unreported and unregulated fishing.

In the context of sustainable fisheries, the need to enable developing countries to develop national, regional, and subregional capacities for infrastructure and integrated management and the sustainable use of fisheries cannot be overemphasized. A better understanding of the oceans through the application of marine science and technology and a more effective interface between scientific knowledge and decision-making are central to the sustainable use and management of the oceans.

Marine scientific research can lead to a better understanding and utilization of the ocean and its resources in almost all aspects, including fisheries, marine pollution and coastal zone management. Accordingly, it is vital that developing countries have access to and share in the benefits of scientific knowledge on the oceans. Developing countries also need to be provided assistance for capacity-building, as well as for the development of information resources and related skills, to manage the oceans for their economic development. We therefore particularly support operative paragraph 16 of the draft resolution (*A/60/L.23*) on sustainable fisheries, which, inter alia, invites States and international financial institutions and organizations of the United Nations system to provide assistance to developing States to enable them to develop their national capacity to exploit fishery resources.

Mr. Zhang Yishan (China) (*spoke in Chinese*): Maintaining and strengthening the international order for the oceans and seas and promoting ocean-related activities contribute to achieving the goals of peace and security as laid down in the Charter of the United Nations; to the promotion of cooperation and friendly relations among all countries on the basis of fairness and justice; and to global economic growth and social harmony. Endeavours in that regard are in keeping with humankind's desire, as evidenced today, to achieve the goals of peace, cooperation and development. We hope that consideration of the agenda item on oceans and the law of the sea at this session of the General Assembly will make a further contribution to the attainment of those goals.

The Chinese delegation believes that the legal regime set out in the 1982 United Nations Convention on the Law of the Sea remains the legal basis for the contemporary international order for the oceans. We are pleased to note that the number of States parties to the Convention has increased to 149, evidence of the growing universality of the Convention. We hope to see more States accede to it.

Three issues are of particular importance in the context of international ocean affairs: first, the further implementation of the provisions of the Convention pertaining to the protection and conservation of the marine environment and research in marine science and in the development and transfer of marine technologies; secondly, building up the capacity of developing countries so as to enable them to utilize more effectively marine resources and make a greater contribution to international ocean affairs; thirdly, the full use of relevant international organizations and mechanisms and the strengthening of cooperation and coordination among them.

Ocean-related issues are closely interlinked and must be addressed in an integrated and holistic manner. The United Nations is the most appropriate and authoritative forum for dealing with these issues, which are of common concern to all countries. We support the Open-ended Informal Consultative Process on Oceans and the Law of the Sea set up by resolution 54/33 and extended by resolution 57/141. In the past six years, that Process has served as an important forum in which all States, including non-parties to the Convention, can discuss issues about oceans and the law of the sea and coordinate their positions. It has therefore contributed positively to the deliberations of the General Assembly.

Experience has shown that the principles set out in resolution 54/33 for the Process have been critical in ensuring that the wisdom of all participants is pooled and in advancing the consideration of agenda items. We support the extension of the Process, based on existing principles, for another three years and agree that there is a need to improve its working methods in order to enhance its efficiency.

The protection of the marine environment calls for urgent action. The Chinese Government attaches great importance to the protection of the marine environment and to the promotion of sustainable development. It took an active part in the 2002 World Summit on Sustainable Development and supports the early establishment of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, within the United Nations framework, while making full use of existing regional assessment mechanisms. We welcome the outcome of the second international workshop held this June and hope to see the "assessment of assessments" begin at an early date on that basis, so that the process can be launched soon. China is ready and willing to participate directly in efforts towards that end and to contribute to the process.

With regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, the Chinese delegation welcomes the establishment by resolution 59/24 of an ad hoc open-ended informal working group. We believe that the protection of biodiversity beyond areas of national jurisdiction should take full account of existing regimes concerning the high seas and international sea-bed and give full play to the role of existing international organizations and institutions. This is very important work, and China will actively take part in it.

The Review Conference of the 1995 United Nations Fish Stocks Agreement will be held next year to evaluate the effectiveness of the Agreement in the conservation and management of straddling fish stocks and highly migratory fish stocks. Pursuant to article 36 of the Agreement, the Secretary-General will, at that time, invite to the Conference all States parties to the Agreement and States and entities entitled to become parties, as well as intergovernmental and non-governmental organizations entitled to participate as observers in the Conference.

The Chinese delegation will seriously prepare for and actively participate in the Review Conference, as well as in the preparatory meeting, and will play a constructive role. The Chinese Government believes that the entry into force of the 1995 Agreement has made it easier to regulate fishing conduct on the high seas and to make it more uniform.

The key to the implementation of the Agreement is to be found at the regional level. Regional fishery management organizations and arrangements should continue to play a significant role, act according to their respective circumstances and formulate and implement fishery-related conservation and management measures on the basis of full consultations.

China is one of the developing countries that have the largest number of fishermen and fishing fleets. Our fisheries are of vital importance to food security, social stability and poverty reduction in China. For the past decade or so, China, as a responsible fishing State, has done a great deal to

strengthen the conservation and management of fishery resources and has curbed its harvesting as much as possible in the interests of the sustainable development of global fisheries.

The Chinese delegation believes that when considering fishery issues, the international community should aim at regulating conduct and achieving sustainable development. For those purposes, we need to achieve an appropriate balance in the relationships between, first, fishery production and the conservation of fishery resources; secondly, the conservation of fishery resources and the protection of the marine environment; thirdly, the needs of the present generation and those of future generations; fourthly, coastal fisheries and high-seas fisheries; and, fifthly, the practice of "first-come-first-served" and the need to ensure the right of all countries, particularly developing countries, to share fishery resources.

In the view of the Chinese delegation, building the marine capacity of the developing countries is a major issue confronting the international community. Many developing countries must, as a matter of urgency, build up their capacities in the areas of nautical charts production, ship-building, the protection of the marine environment, marine science research and development, law enforcement at sea and the combating of maritime crimes.

In order to enhance the capacity of the developing countries in marine conservation and management, the developed countries should actively facilitate the transfer of marine technologies to the developing countries under fair and reasonable conditions, and the relevant international organizations should assist the developing countries in carrying out regional or multilateral cooperation, in securing appropriate international funding for marine research and development and in personnel training. The Chinese Government and people have had some success in the area of marine capacity-building, and we are more than willing to share our experiences with other developing countries.

Since ancient times, the oceans and the seas have confronted the human race with numerous difficulties and challenges, while yielding bountiful harvests and providing for its well-being. We need sufficient courage to overcome the difficulties and challenges and sufficient wisdom to enjoy the harvests and the state of well-being. China is ready to join with other countries to uphold the spirit of the Convention, abide by international commitments and work for the cause of ocean affairs, as well as for peace, justice, harmony and the progress of humankind.

Ms. Juul (Norway): The General Assembly is the universal forum for discussing current issues regarding ocean affairs and the law of the sea. That is underlined by the breadth of the issues currently being dealt with within the broader framework of the Assembly. It is essential that all important discussions on the broader developments of the law of the sea should take place within this representative forum, and we believe that the United Nations will continue to have an important role to play.

In this regard, I would like to commend the Division for Ocean Affairs and the Law of the Sea on the excellent job that it is doing to provide the Assembly with the necessary input on the topics under discussion. This year, as always, the Secretary-General's reports on the law of the sea and related issues are of the highest quality. Those reports are invaluable tools for evaluating the dynamic developments in ocean affairs.

I will focus on three main topics in my statement today: the evaluation of the 1995 Fish Stocks Agreement, the sustainable management of living marine resources and protection of the marine environment, and maritime security.

The 1995 Fish Stocks Agreement is an essential contribution to the law of the sea as regards the management of straddling and highly migratory fish stocks. We will evaluate the Agreement during a one-week conference in May next year, only four years after it came into force. The Agreement must be regarded as an infant in the context of international law, and we must keep that in mind when we review it.

So far, only 56 States have become party to the Agreement. That means that several important fishing nations are still outside that cooperation. At this stage, the rather low number of parties is the Agreement's main weakness. The conference will provide an opportunity to take a closer look at what is keeping States from joining and what measures we can take collectively to get more States on board. The conference should take advantage of that opportunity and develop a systematic approach for encouraging more States to join. Let me also take this opportunity to

encourage all States that are not party to the Agreement to join as soon as possible.

An important task for the conference will be evaluating the implementation of the provisions of the Agreement in the national legislation of the parties and in the mandates of the regional fisheries management organizations of which they are members. Those organizations and their parties have a heavy responsibility as regards a broad range of challenges related to ecosystem-based resource management and the conservation of biodiversity. States must make sure that their regional fisheries management organizations and other arrangements have the mandates they need in order to make all necessary management and conservation decisions.

At the conference we must also consider what we can do to expand the network of regional fisheries management organizations and other arrangements, for example by establishing new such bodies for areas that are not currently covered by any organization or arrangement.

The United Nations Convention on the Law of the Sea recognizes the responsibility of coastal States for the sustainable management of living resources in their maritime zones. Through the Agreement, States are obliged to cooperate in the management of straddling and highly migratory fish stocks. In discharging those responsibilities, the coastal States and the regional fisheries management organizations are afforded a wide range of discretion when choosing the most appropriate management measures.

However responsible and precautionary the coastal States and such organizations might be in their management, the full purpose will not be served as long as we are struggling with illegal, unreported and unregulated (IUU) fishing. Such fishing is the single most serious threat to the world's marine resources today. Curbing such fishing is therefore among the most important measures we can take to protect marine resources. The responsibility for doing so unquestionably rests with each and every State involved in fishing or the fish trade in one way or another. Here, obviously, a huge responsibility rests with the flag States. Unfortunately, some States allow vessels to fly their flag without ensuring that the fishing practices of those vessels are legal and sound. The substantial strengthening of targeted port State control measures is also crucial in order to effectively combat illegal, unreported and unregulated fishing.

Recently, in the international debate on the sustainable management of marine resources and the protection of marine ecosystems, there has been a strong focus on the high seas. There are substantial challenges related to biodiversity in areas outside national jurisdiction. However, the high-seas focus must not mislead us into thinking that the greatest challenges related to resource management and conservation are to be found on the high seas. Rather, the main problems are still to be found within national zones. The greatest challenge is to encourage the necessary political will so that States will deal effectively with their domestic problems.

While the main problems related to the marine environment and to marine resources are within national zones, there are also obvious and huge challenges on the high seas. In that regard, we have discussed the legal basis for taking measures in those areas. Some claim that the problem is that no State or organization has the jurisdiction to deal effectively with these problems. That has led to calls for the negotiation of new legal instruments. Some call for the formation of some kind of body with the authority to, for example, establish marine protected areas. I would like to make a few points in that regard.

First, States have jurisdiction to regulate activities carried out by their subordinates on the high seas.

Secondly, there are several organizations that already have regulatory competence on the high seas. Regional fisheries management organizations and the International Maritime Organization (IMO) are examples of entities that can make decisions of a binding nature regarding activities on the high seas within their respective mandates. The International Seabed Authority can and is supposed to regulate mining activities in the Area in such a way that any negative effects on the marine environment are minimized or avoided.

Thirdly, our focus should be on identifying practical measures to deal with specific problems. The challenge is to utilize existing instruments and mechanisms to the fullest extent possible within their current mandates in order to manage and conserve marine biodiversity in these areas.

Fourthly, the limits on measures that may be implemented within the framework of existing instruments and mechanisms are determined by the political will of States. Negotiating new instruments is time-consuming and difficult, and it diverts valuable resources and focus from the implementation of specific measures that will have practical results in the short term. Rather than focusing on developing new instruments, States should cooperate more closely so as to utilize existing possibilities.

The Secretary-General's latest report on oceans and the law of the sea refers to a large number of actual and attempted acts of piracy and armed robbery. It is reported that the level of violence has escalated and that the areas most affected are in the Far East. This threat to seafarers and the shipping industry is of great concern to my Government. We commend those Asian Governments that have taken an active interest in developing cooperation to curb this problem, and we stand ready to cooperate further in an attempt to make shipping more secure. The IMO also deserves praise for its efforts. We encourage that organization to continue its engagement in this field.

An important step to prevent and suppress terrorism and the proliferation of weapons of mass destruction at sea was taken in London last October, when the IMO Diplomatic Conference adopted a protocol to amend the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Those amendments provide for the criminalization of additional international terrorist and non-proliferation offences and a boarding regime for interdiction on the high seas. That is a major contribution to the implementation of Security Council resolutions 1368 (2001), 1373 (2001) and 1540 (2004) against terrorism and proliferation. I would like to commend the International Maritime Organization on a job well done, and I encourage all parties to sign and ratify the protocol as soon as possible.

Mr. Al-Mutairi (Kuwait) (*spoke in Arabic*): I should like at the outset to thank the Secretary-General for his comprehensive reports on agenda item 75, regarding the United Nations Convention on the Law of the Sea (UNCLOS) and the commitments set out therein.

The State of Kuwait welcomes the steady increase in the number of parties to the Convention, which has now reached 149. We urge those countries that have not yet joined the Convention to expedite their accession to the Convention in view of its universality and importance. We also wish to express our appreciation for the progress made by all the institutions established under the Convention's provisions, particularly the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

Stressing the importance of full implementation of the provisions of the Convention as the legally agreed framework for the peaceful uses of the oceans and seas, we express our belief that building the capacities of States parties is key to the successful implementation of the Convention, because it will enable developing nations to more effectively manage and conserve their marine resources.

The United Nations Convention on the Law of the Sea defines the legal framework within which all activities relating to the oceans and seas should be carried out. It stipulates the limits of regional waters, areas of national jurisdiction and the limits of the continental shelf, in addition to the freedom of navigation beyond the limits of national jurisdiction and the right of transit in regional waters and in straits used for international navigation. It also supports friendly relations and cooperation among all countries. Such integration in the provisions of the Convention is the basis of the sovereignty of the law of the oceans and the seas. The State of Kuwait therefore calls for enhanced cooperation and coordination at all levels in accordance with the provisions of the Convention, in order to address all aspects of integrated management and sustainable development of the seas and oceans.

We attach great importance to the protection and conservation of the marine environment and its biodiversity. Therefore, we must redouble our efforts to combat and limit the pollution and degradation of marine ecosystems. In that context, we must take into consideration the proposals of the Johannesburg Plan of Implementation adopted at the World Summit on Sustainable Development, which calls for the maintenance of the productivity and biodiversity of important and vulnerable marine and coastal areas, including in areas within and beyond national jurisdiction. We should also put an end to the use of fishing techniques that are harmful to the marine environment. We also join all delegations in calling for

taking necessary measures to put an end to illegal fishing, in accordance with international law.

The State of Kuwait is fully committed to the issue of oceans and the law of the sea and acceded to the United Nations Convention on the Law of the Sea in 1986 and to several other conventions, including, in 2002 the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea.

Kuwait is also party to the Protocol concerning Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf. Kuwait is also considering acceding to the 1995 United Nations Fish Stocks Agreement, as well as other relevant instruments. In April 2005, Kuwait submitted a report on the matter to the Secretary-General.

At this time we would like to note that Kuwait is the host country of the Regional Organization for the Protection of the Marine Environment (ROPME), which was established by regional agreement in 1978, in order to promote cooperation in protecting the marine environment from pollution. It is an agreement that seeks to coordinate the efforts of all countries of the Gulf region for the protection and conservation of marine resources.

Kuwait is also involved in other programmes with the International Atomic Energy Agency (IAEA) for the protection of the marine environment.

In conclusion, I would like to emphasize that my delegation hopes to undertake joint efforts to improve the lives of all peoples of the world through the optimum exploration and exploitation of marine resources and their conservation, which would enable each and every country to realize the environmental sustainability it seeks to achieve.

Mr. Ray (Australia): A year ago we marked the important milestone of the tenth anniversary of the entry into force of the United Nations Convention on the Law of the Sea. Year by year, we have seen a strengthening in the status of the Convention as the foundation of the global community's interaction with, and use of, the ocean and its resources.

Since last year, we have moved closer to realizing the objective of universal adherence to the Convention, and Australia congratulates those States that acceded in the past year: Burkina Faso, Estonia and Latvia. It cannot be denied that significant portions of the Convention now form part of the corpus of customary international law.

In coming years, we should continue to focus on ensuring effective oceans governance through implementation of the Convention and related instruments. We also need to continue our work in identifying any gaps in the regime for high seas governance and work towards building cooperative mechanisms to properly conserve and sustainably manage the living resources of the oceans.

Given the importance we attach to as-broad-as-possible participation by States in informal meetings for the preparation of General Assembly draft resolutions, Australia wishes to express its concern at the numerous scheduling conflicts with other essential meetings this year. Those clashes have made our and other delegations' effective participation in the informal preparatory process extremely difficult, and we call on the Secretary-General to ensure that the situation is not repeated in coming years.

We express our thanks to the coordinators and the Secretariat, whose jobs seem to get harder every year as the resolutions get longer and longer. There are many topical aspects of the law of the sea and international fisheries that are worthy of our close attention, but their prominence is only obscured by our collective insistence on repeating the same things year after year. We urge again that all Members endeavour to shorten the draft resolutions in future.

As usual, Australia will co-sponsor and, if necessary, vote in favour of both draft resolutions before us. We are pleased with the attention given to the issues, such as maritime security, the sustainable management and conservation of marine living resources, and the work of the Commission on the Limits of the Continental Shelf (CLCS).

Threats to maritime security cannot be ignored. The potential impact of threats to maritime security on sea transportation, safety of navigation and the marine environment, as well as the threat posed to human lives and property, calls for effective countermeasures at the international, regional and bilateral levels.

For that reason, Australia welcomes paragraph 50 of the omnibus draft resolution, and looks forward to working with other States to continue to address threats to maritime security. We welcome and support practical measures to improve maritime security and

would be ready to explore requests for technical assistance and capacity-building.

In particular, we welcome the recent adoption by the International Maritime Organization in October this year of two protocols amending the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its 1988 Protocol relating to fixed platforms on the continental shelf.

When implemented, the new definitions of offences under those Protocols will represent an important tool in the fight against terrorism and the proliferation of weapons of mass destruction. Australia will give early consideration to signing and implementing the protocols in accordance with its domestic treaty-making processes, and urges other States to do the same, as soon as possible, in respect of both the original Convention on the safety of maritime navigation and the fixed platforms Protocol, as well as the recently adopted amending protocols.

In addition, Australia welcomes the adoption in November 2004 of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia. The Agreement provides a transparent means of engaging countries in the Asia-Pacific region in maritime security through information sharing.

Australia welcomes paragraph 35 of the omnibus draft resolution. Last year, Australia lodged with the Commission on the Limits of the Continental Shelf its submission on the outer limit of the shelf beyond 200 nautical miles from the territorial sea baseline. We look forward to working with the Commission in the coming months as it formulates the recommendations on which our final and binding outer limit will be based.

We are confident that those recommendations will emerge within a reasonable timeframe. However, we are concerned that, for reasons beyond the Commission's control, it will not necessarily be the case for States that follow us, given that the Commission now only has the capacity to deal in detail with two submissions concurrently.

We welcome the work of the Division for Ocean Affairs and the Law of the Sea in assisting to build the capacity of States preparing submissions. From Australia's viewpoint, we are pleased to be able to share our experiences with other States undertaking the process of planning or preparing their own submission.

Turning to fisheries, Australia welcomes the accession, since our last session, of four more States to the vitally important United Nations Fish Stocks Agreement: Belize, Guinea, Kiribati and Liberia. Wide acceptance of the Agreement's provisions will add to their impact in enhancing the international law of fisheries.

Moreover, the review conference on the Agreement coming in May 2006 will provide an important opportunity for States to take stock, critically assess the effectiveness of the Agreement and promote cooperative and sustainable fisheries management and the international law of the sea more generally.

Regional organizations play an important role in the management of responsible and ecologically sustainable fishing, especially in areas where no management regime currently exists. We welcome various developments in Australia's region with respect to regional fisheries management organizations.

The Western and Central Pacific Ocean Fisheries Commission (WCPFC), currently chaired by Australia, held its first meeting in the Federated States of Micronesia in December 2004. The second meeting will be held in a few days.

The stocks of the Western and Central Pacific are a significant natural resource for Pacific coastal States. Australia will continue to work hard with its neighbours to ensure that this regional fisheries management organization employs world best practice in the sustainable management and the conservation of highly migratory species. We warmly welcome the accessions to the Honolulu Convention this year of the Philippines, Japan, Canada, Vanuatu and France. It is particularly gratifying to see such a broad participation in the Commission by coastal States and distant-water fishing interests.

We look forward to the adoption in the near future of the southern Indian Ocean fisheries agreement. It too should bring best international practice to the conservation and the sustainable management of all fish stocks in the relevant part of the Indian Ocean.

Australia is also pleased to inform members of a recent initiative of Australia, New Zealand and Chile to commence negotiations on a new regional fisheries

management organization to regulate currently unregulated fish stocks in the South Pacific, which is one of the last remaining areas of the high seas without a comprehensive international management regime for discrete and straddling stocks. The first formal negotiating conference will be held in Wellington in February 2006, and we invite all States and entities with a genuine interest in fishery to consider actively participating in the new regional fisheries management organization at the earliest possible stage.

The recommendations of the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea are the source of much of the new language in the draft resolutions before the Assembly. That further attests to the value of the Oceans Process and the role it plays in enhancing and informing the Assembly's debate.

Australia supports and welcomes the renewed mandate of the Oceans Process and hopes that it will continue to bring focused and expert deliberation, including from civil society, to complex issues facing oceans and the law of the sea.

Australia has been a longstanding champion of high seas biodiversity conservation and is seriously concerned about the impact of a range of human activities on the vulnerable ecosystems of the high seas. Damaging impacts are caused by a range of destructive fishing techniques and by the ever-present scourge of illegal, unreported and unregulated fishing. We should not limit our focus simply to the issue of bottom trawling.

The efficacy of measures taken will depend in part on the willingness of flag States to properly regulate and control the activities of their nationals. Australia will continue to ensure that fishing is conducted responsibly and managed through the use of appropriate measures. We will also continue to work hard to improve governance on the high seas more generally.

Australia welcomes the participation of non-governmental organizations, industry representatives and scientists in the planned February meeting of the Ad hoc Open-ended Informal Working Group studying the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction. Those areas cover about half of the world's surface, and their unique biodiversity has been the subject of much international discussion in recent years. We hope that the meeting in February will help identify options for better conserving and sustainably managing that biodiversity.

We welcome the language on marine debris. Discarded fishing nets and other gear, such as plastics, constitute a significant danger to marine mammals and turtles in Australia's region and more generally. Greater international cooperation is required. The first phase of the Global Marine Assessment — the so-called assessment of assessments — will be important. Better scientific information is crucial for improving our decision-making and for better focusing our conservation-based initiatives.

Australia would like to underline its strong desire for enhanced measures to tackle illegal and unregulated fishing. We continue to act firmly against unlicensed vessels fishing in Australian waters and have responded promptly to situations of apparently illegal or unregulated vessels in areas regulated by regional fisheries management organization, in turn raising awareness among Member States.

Australia recently boarded a vessel suspected of fishing illegally in the Australian exclusive economic zone, with the express consent of the flag state, Cambodia. The Australian Government is grateful to the Government of Cambodia for its cooperative approach, which sets an example for other States that become aware of illegal conduct by their flagged vessels.

Consistent with the United Nations Fish Stocks Agreement, it is Australia's strong view that States have an obligation either to join relevant regional fisheries management organizations where entitled to do so or, otherwise, to refrain from fishing in areas regulated by such fisheries organizations, unless those States agree to apply all relevant conservation measures. Australia does not view the general obligations under the United Nations Convention on the Law of the Sea and customary international law with respect to the conservation and the sustainable management of marine living resources as merely aspirational or amorphous. They are concrete and substantive obligations with direct application.

Australia welcomes the reference in the omnibus draft resolution (*A/60/L.23*) to the Ministerial Declaration of the May 2005 Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement, entitled "Moving from Words

to Action" and held in St. John's, Canada. The Declaration calls on States to take practical steps to end unsustainable fishing practices and reinforces the commitment of all nations to manage fisheries in a sustainable fashion. Australia welcomes the impetus the Declaration gives to fleshing out the meaning of a genuine link between the flag State and the vessel in the registration of fishing vessels and would welcome greater transparency in fishing vessel ownership across the globe.

Finally, Australia would like to leave other members with the thought that perhaps treating illegal, unreported and unregulated fishing as a single problem, which gets reduced to the acronym "IUU", has outlived its usefulness. After all, IUU fishing is not just one problem but three, each of which requires separate international responses. Those responses must focus on flag States' responsibility over their vessels when fishing on the high seas or in the exclusive economic zones of other States. Flag State accountability should be the focus of our efforts.

Mr. Hannesson (Iceland): At the outset I would like to commend the Secretariat, in particular the able staff of the Division for Ocean Affairs and the Law of the Sea, headed by Mr. Vladimir Golitsyn, for their comprehensive reports on oceans and the law of the sea (*A/60/63* and *A/60/91*) and on sustainable fisheries (*A/60/189*). I would also like to express our appreciation for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division.

Let me furthermore acknowledge the professional manner in which the coordinators, Commander Marcos de Almeida of Brazil and Ms. Holly Koehler of the United States, conducted the informal consultations on the omnibus and fisheries draft resolutions. The consultations were both lengthy and challenging this year, and we wish to thank all participants for their constructive contributions. As reflected in the draft omnibus resolution, one of the conclusions of the informal consultations was that their efficiency would have to be further improved in the future by limiting the period of consultations on both draft resolutions to a maximum of four weeks in total and by ensuring that the consultations are scheduled in such a way as to avoid overlap with the period in which the Sixth Committee is meeting.

The Convention on the Law of the Sea, which is without doubt one of the greatest achievements in the history of the United Nations, provides a legal framework for all of our deliberations on the oceans and the law of the sea. We welcome the recent ratification of the Convention by Latvia, Burkina Faso and Estonia, bringing the number of States parties to 149, and urge those States that have still have not ratified the Convention to do so, with a view to achieving the ultimate goal of universal participation.

It is imperative that the Convention be fully implemented and that its integrity be preserved. Issues that were settled at the Third United Nations Conference on the Law of the Sea should not be reopened. In this respect, it needs to be borne in mind that the conclusions of the Conference were regarded as a package, with individual States prevailing in some areas but having to compromise in others.

We note with satisfaction that the three institutions established under the Convention on the Law of the Sea are functioning well. The International Seabed Authority is actively preparing for the future exploitation of mineral resources in the international seabed area. The International Tribunal for the Law of the Sea has already adjudicated a number of disputes in this field. It is clear, however, that the jurisdictional powers of the Tribunal have not yet been fully utilized and we welcome the Tribunal's initiative to promote knowledge of its various procedures. One example of that initiative is the organization of a round-table discussion to take place here at the United Nations tomorrow afternoon, on the topic "Advisory proceedings before the International Tribunal for the Law of the Sea".

We are pleased to note the progress in the work of the Commission on the Limits of the Continental Shelf. The Commission is currently considering three new submissions regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, and a number of coastal States, including Iceland, have advised it of their intention to make submissions in the near future.

We welcome the steps taken by the Secretariat to improve the facilities for the use of the Commission and urge the Secretary-General to take all necessary actions to ensure that the Commission can fulfil the functions entrusted to it under the Convention in the light of its rapidly increasing workload. We

furthermore encourage States to make additional contributions to the two voluntary continental shelf trust funds established by resolution 55/7.

The United Nations Fish Stocks Agreement is of paramount importance, as it strengthens considerably the framework for the conservation and management of straddling fish stocks and highly migratory fish stocks by regional fisheries management organizations. The provisions of the Agreement strengthen in many ways the relevant provisions of the Convention on the Law of the Sea, and some of the Agreement's provisions represent the further development of international law in this area. We welcome the encouragement, in the draft fisheries resolution, to States to recognize, as appropriate, that the general principles of the Agreement should apply also to discrete fish stocks in the high seas.

We look forward to taking part in the fifth round of informal consultations of States parties to the Agreement in March and in the Review Conference in May, the role of which is to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks. In the view of Iceland, the effectiveness of the Agreement depends primarily on its broad ratification and implementation. We welcome the ratification of the Agreement this year by Belize, Kiribati, Guinea and Liberia, bringing the number of States parties to 56, and urge those States, in particular fishing States, that still have not ratified the Agreement to do so as soon as possible.

With respect to the implementation of the Agreement, we encourage States to make additional contributions to the Assistance Fund under Part VII of the Agreement. In fact, we encourage capacity-building in developing countries in order to enable them to reap the benefit of fisheries within and beyond areas under their national jurisdiction.

The world community does not lack the tools to ensure the conservation and sustainable utilization of living marine resources. In addition to the Convention on the Law of the Sea and the Fish Stocks Agreement, Chapter 17 of Agenda 21, the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations and the Convention on Biological Diversity all exemplify such tools, providing States with the means to develop their fisheries management systems in a sustainable manner. While global instruments are often called for, we should bear in mind that the responsible management of living marine resources is best carried out at the local and regional levels, in partnership with those who are closest to and depend on the resources for their livelihood.

It is the firm view of the Government of Iceland that the General Assembly, in its deliberations on the oceans and the law of the sea, should focus on specific issues that have global implications, and not on issues that fall within the purview of the sovereign rights of States or that are under the responsibility of regional fisheries management organizations. The Assembly should address issues that are global in nature and that can be solved only through global cooperation. We should thus address, for example, marine pollution, which respects no boundaries and must therefore be met with global action.

The conservation and sustainable utilization of living marine resources is, on the other hand, a local and regional matter. We cannot, therefore, accept the opening of the door to the global micromanagement of fisheries, which are subject to the sovereign rights of States or under the responsibility of regional fisheries management organizations.

In that context, we were satisfied with the outcome of the thorough consultations on the fisheries resolution last year with respect to the impact of fishing on vulnerable marine ecosystems. The relevant paragraphs of resolution 59/25, which are reaffirmed in the draft resolution on fisheries this year, recognize that it is for States and regional fisheries management organizations, as appropriate, to regulate fisheries and their impact on vulnerable marine ecosystems and to take decisions on any interim and long-term management measures.

In the case of regional fisheries management organizations without such competence, their members are called upon to expand their competence, where appropriate, and in the case of high-seas areas not covered by such organizations, relevant States are called upon to establish them, where necessary and appropriate.

Iceland, like many other coastal States, has for many years been applying area restrictions and closures as one of its fisheries management tools. The Icelandic authorities continue to work on protecting vulnerable marine ecosystems within their national

jurisdiction. We are now in the process of closing five areas, covering a total of 80 square kilometres, to fishing with gear which adversely affects the seabed, with the aim of protecting vulnerable cold-water corals. We are working on the basis of scientific information, and we address the issue of protection on a case-by-case basis. That approach ensures that we give proper protection to the areas that need to be protected, while not disrupting responsible fishing practices in other areas.

As the protection of vulnerable marine ecosystems is often presented as an issue on which the fisheries sector and environmental protection clash, it should be pointed out that the approach followed in Iceland makes such a clash unnecessary. Rather than imposing blanket closures of vast areas, we work with the fisheries sector to determine which areas should be protected. In fact, consultations with the fisheries sector have resulted in an increase in the size of the areas that are now being closed, compared to the suggestions made in original proposals from our scientists.

Iceland is certainly not the only State that is protecting vulnerable marine ecosystems within its national jurisdiction; this is being done by many States all over the world. But this work is not being carried out only at the national level; regional fisheries management organizations are also addressing this important issue.

Last year, Iceland took part in establishing an interim measure for the protection of vulnerable deep-water habitats in the high seas of the North Atlantic ocean. The North East Atlantic Fisheries Commission (NEAFC) agreed on an interim prohibition of fishing with gear which adversely affects the seabed on a number of seamounts and in a section of the Reykjanes ridge for a three-year period. During this interim period, NEAFC will assess its work on this issue, seek further scientific advice and assess possible enforcement issues that may arise, with the aim of having appropriate conservation and management measures in place by 2008. NEAFC has shown its commitment to taking the necessary action to protect vulnerable habitats on case-by-case and scientific bases.

At NEAFC's recent annual meeting, a proposal by Iceland to develop criteria and procedures within the Commission for the protection of vulnerable areas, including area closures for certain types of fisheries, was approved. The annual meeting furthermore recommended that a performance review of NEAFC be established. The purpose of such a review is to provide for a systematic check of the performance of the Commission and its consistency with the NEAFC Convention, the United Nations Fish Stocks Agreement and other relevant international instruments. Assessment criteria and procedures for the performance review, including terms of reference for the review, will be developed, if appropriate, in consultation with the Food and Agriculture Organization of the United Nations (FAO) and other regional fisheries management organizations. This regional approach is in accordance with the draft fisheries resolution, which encourages States, through their participation in regional fisheries management organizations, to initiate processes for their performance review.

We deem very important the meeting in February of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. In our view, a major role of the meeting is to provide the General Assembly with an overview of the various issues falling under its broad scope, described in omnibus resolution 59/24. This is particularly relevant in the light of the fact that many intergovernmental organizations and bodies are involved in work on these issues, resulting in some overlap. We look forward to a substantive, well-informed and non-polemic discussion in February.

At its fifty-seventh session, the General Assembly decided to continue for three years the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We would like to thank the co-Chairmen of this period, Mr. Philip Burgess of Australia, Mr. Felipe Paolillo of Uruguay and Mr. Cristián Maquieira of Chile, for their valuable contribution to the work of the Consultative Process. We welcome the continuation of the Process for the next three years on the same informal basis but note the need to strengthen and improve its efficiency, as recognized in the draft omnibus resolution. In our view, the meetings of the Consultative Process need to be restructured in order to have more focused discussions and to give sufficient time for consultations on the elements to be suggested to the Assembly. The preparatory meeting for the seventh meeting of the

Consultative Process provides a good opportunity in that respect.

During recent discussions on oceans issues, much attention has been devoted to integrative approaches, including an ecosystem approach to the management of the marine environment. Iceland fully subscribes to such an approach, which forms the basis of our own marine strategy, issued last year. Let me also take this opportunity to note in this context the European Marine Strategy, adopted by the European Commission last month, which represents a significant contribution to our joint efforts to ensure the sustainable use of the world's oceans. The General Assembly recommends in its draft omnibus resolution that the Consultative Process should, at its next meeting, focus its discussions on the topic "Ecosystem approaches and oceans". We look forward to a constructive and informative discussion in June on the application of ecosystem approaches.

Iceland has actively encouraged an open discussion on marine pollution, an issue of international concern. It has long been recognized that one of the most serious and extensive threats to the health of the marine ecosystem is pollution from land-based sources.

As the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities has fallen short of expectations, national or regional plans should play a leading role in redressing that issue. Only a few countries have as yet adopted such plans, but a number of countries are in the final stages of adopting national action plans. However, more efforts are needed, and Iceland strongly urges States that have not done so to develop their own plans of action, be it at the national or regional level, based on sound scientific advice.

The Second Intergovernmental Review of the Global Programme of Action will be held in Beijing next year. This will be a valuable opportunity to review the progress made, address future challenges and set priorities for the next five years.

Efforts to strengthen international action to protect the oceans from land-based pollution and other man-made threats have been hampered by the lack of information readily accessible to policy-makers on the state of the marine environment. The lack of a comprehensive overview is arguably one of the main reasons why measures to protect the marine environment have not been focusing on real priority issues. The decision in omnibus resolution 57/141 to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, which is based on article 200 of the Law of the Sea Convention, acknowledges that international action is needed to protect the marine environment from land-based pollution and other human activity that causes pollution or the physical degradation of the ocean.

Two years ago, in this very forum, Iceland drew attention to the relevance of the Arctic marine environment. The warming of the Arctic and the growing demand for the natural resources of the region are leading to a rapid increase in navigation in areas previously considered inaccessible to commercial shipping. That trend calls for, among other things, a unified international approach to rights of navigation as well as cooperation on environmental issues, adaptation and emergency response.

The meeting rose at 1.10 p.m.

United Nations A/60/PV.55

General Assembly

Sixtieth session

Official Records

55th plenary meeting
Monday, 28 November 2005, 3 p.m.
New York

President: Mr. Eliasson ..... (Sweden)

In the absence of the President, Mr. Hachani (Tunisia), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 75 *(continued)*

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/60/63 and Add.1 and Add.2 and A/60/91)

Report of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its sixth meeting (A/60/99)

Draft resolution (A/60/L.22)

(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/60/189)

Draft resolution (A/60/L.23)

Mr. Ozawa (Japan): Today the number of States parties to the United Nations Convention on the Law of the Sea is 149, and there are 122 States parties to the Agreement on the Implementation of Part XI of the Convention. We are pleased to see that these numbers are growing and that the Convention is coming to be widely accepted by the international community. Japan believes that the role of the Convention is becoming increasingly important as the international community faces a range of new issues, including the increase in transnational crimes such as terrorism, piracy and illegal trafficking in drugs, and the growing pressures on the marine environment. Each of these new issues needs to be addressed in a manner that respects the spirit and provisions of the Convention.

Japan, a seafaring nation with a vast exclusive economic zone and continental shelf, is committed to the United Nations Conference on the Law of the Sea and to the organs established under it, namely, the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. As the largest contributor, we have actively participated in the work of those organs and intend to contribute further to their activities.

With regard to the Tribunal, Japan attaches great importance to its role in the maintenance of order and stability with respect to the ocean. Japan is willing to work steadily to establish and strengthen the rule of law and the principle of the peaceful settlement of conflicts through support for the Tribunal's activities.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

05-61852 (E)

With regard to the Commission on the Limits of the Continental Shelf, the omnibus draft resolution recognizes how important it is for States to exchange views in order to facilitate the preparation of submissions to the Commission. To that end, Japan, in cooperation with the United Nations University, is planning to host a symposium on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, to be held in Tokyo from 6 to 7 March 2006. We hope that many States will be able to participate in that symposium.

The world continues to be plagued by threats of piracy and armed robbery at sea. We may recall the hijacking of a World Food Programme ship carrying food assistance in the waters off the coast of Somalia in June this year. Last year, there were more than 300 incidents of piracy around the world, nearly half of which occurred in Asia.

Japan is pleased to note that the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia was adopted in Tokyo last November after active negotiations that lasted more than three years. Japan took the initiative in proposing that agreement, believing that it would strengthen regional cooperation among maritime security organizations to establish an information-sharing system and a cooperative network dedicated to combating piracy and armed robbery at sea. Japan, which signed that Agreement in April this year, hopes it will not only contribute to enhanced cooperation among States parties in Asia but will also serve as a model of regional cooperation.

Allow me to speak on the subject of the marine environment. Surrounded by the sea, Japan considers the preservation of the marine environment to be extremely important. The issue of marine debris in particular is an urgent matter, as noted in the omnibus draft resolution. The problem should be tackled at various levels. At the regional level, Japan is considering making use of the framework of the Northwest Pacific Action Plan.

As a responsible fishing State and a State party to the United Nations Convention on the Law of the Sea, Japan is earnest about addressing conservation and management problems, as well as sustainable use issues related to living marine resources, including straddling fish stocks and highly migratory fish stocks. Those efforts have been implemented individually, bilaterally and multilaterally.

Japan is seriously concerned about illegal, unreported and unregulated (IUU) fishery activities and issues related to the overcapacity of global fisheries, which are becoming increasingly serious despite the efforts being made to promote the sustainable use of living marine resources. My Government has shown that it is committed to eliminating IUU fishing in order to conserve the marine ecosystem.

In that regard, we would like to stress once again the importance of basing our discussions of the issues of conservation and management and of the sustainable use of living marine resources on scientific evidence provided by competent organizations such as the Food and Agriculture Organization of the United Nations and the regional fisheries management organizations. We believe that regional organizations have the required specialized expertise to provide accurate assessments and thus offer a better forum than the United Nations for such discussions.

In our view, operative paragraph 46 of the omnibus draft resolution on oceans and the law of the sea (*A/60/L.22*), which deals with the transport of radioactive materials, unfortunately does not reflect the spirit or the substance of the series of thorough discussions on this issue conducted by the International Atomic Energy Agency and relevant organizations. Although Japan will not make an objection on that point, we do wish to express our dissatisfaction on that matter.

In concluding, I wish to reaffirm that Japan will continue to contribute to the stability of the legal framework on ocean affairs and, by so doing, promote prudent and equitable use of the sea by the international community, in accordance with the United Nations Conference on the Law of the Sea.

Mr. Panggabean (Indonesia): At the outset, I thank the Secretary-General for his comprehensive reports on oceans and the law of the sea and on sustainable fisheries.

We are all aware that management of our oceans is a complex and multidimensional undertaking, which will become ever more complex as technological progress opens the door to further exploration of the potential benefits of the ocean.

The report of the Secretary-General on oceans and the law of the sea demonstrates that there is more

to the sea than the exploitation of traditional natural resources such as fisheries, oil and gas. The sea offers other economically valuable benefits to be exploited, such as genetic and biological resources.

That presents us with the challenge of ensuring the availability of those resources in the long run. Already, related issues have emerged, ranging from protecting the environment to sharing the benefits. In my delegation's view, the problems have to be approached in a holistic manner, taking social, economic and environmental aspects into account in order to ensure the sustainable use of the oceans for future generations.

All that was not entirely anticipated when the Convention was concluded in 1982. However, my delegation reaffirms Indonesia's conviction that the Convention serves as the main international instrument on ocean affairs for governing all activities relating to the use and the utilization of the oceans. The draft resolution under consideration reflects that acknowledgement by reaffirming our commitment to preserving the Convention's integrity. In the light of that consideration, my delegation is pleased to learn of the progress made by various institutions in the field in their efforts to meet the objectives of the Convention.

My delegation welcomes the progress made by the Commission on the Limits of the Continental Shelf in considering the submissions of several coastal States. We also commend the initiative of the Division for Ocean Affairs and the Law of the Sea of convening a series of workshops in various regions to disseminate manuals and technical guidelines for delineation of the outer limits of the continental shelf of coastal States. The workshops made a valuable contribution, in particular by assisting developing countries to prepare their submissions and thus meet the time frame designated by the Commission.

We also attach great importance to the work of the International Seabed Authority. My delegation is pleased at the progress that has been achieved so far in the management of the resources of the seabed area beyond national jurisdiction. Its decision last August to provide modalities for the participation of experts from developing countries in research activities carried out in the Area by the pioneer investors is, indeed, consistent with the objectives of technology transfer and sharing the benefits of the ocean as the common heritage of mankind.

In addition to providing details relating to the new utilization of sea resources, the report also indicates persistent threats to commercial vessels. Acts of piracy and armed robbery at sea are still a major problem in many parts of the world. The situation presents a challenge to the international community, which must find effective means to combat that menace. Some analysts have gone further by linking terrorists and sea robbers, arguing that they could join forces and together wreak havoc in vital straits used for international navigation.

My delegation is fully aware that the safety of navigation in such straits is a key and vital element in promoting foreign trade. We are also fully aware of concerns about the seriousness of threats to maritime security brought to light by reports relating to terrorist networks and individual terrorists linked to Al-Qaida. Terrorists and sea robbers should be taken seriously as a matter of security. However, my delegation is of the view that we should not take an alarmist approach, as that would inadvertently encourage the terrorists.

While acknowledging the important war against terrorist acts in all their forms and manifestations, we should not lose sight of the importance of upholding the rule of law in conformity with international law. Only by means of concerted multilateral efforts can States effectively combat terrorism. As a result, the international community should respect the primary responsibility and sovereign right of littoral States in their efforts to ensure the safety of navigation and maritime security in the area.

In that connection, Indonesia, together with Malaysia and Singapore, has intensified its cooperation through the Tripartite Technical Expert Group on the safety of navigation. Our most recent meeting, which took place in Batam, Indonesia, in August, produced an understanding whereby we recognized the importance of and welcomed closer collaboration with the international community.

In the context of their collaboration with the International Maritime Organization (IMO), the three countries further engaged in broader consultation and dialogue with other interested States and major shipping industry actors at a meeting in Jakarta on 7 September 2005. The conclusions of that meeting are contained in document A/60/529, and my delegation is pleased to share them with members. In the context of strengthening the safety of navigation and maritime

security in the area, we further commend the assistance of the IMO in facilitating the Marine Electronic Highway project for the Straits of Malacca and Singapore.

In view of the importance of fisheries for our economy, Indonesia welcomes the fact that the review conference of the 1995 Fish Stocks Agreement will be held next year. In connection with that review, the related draft resolution invites all States to participate on an equal footing in a preparatory meeting to be held early next year.

The Agreement provides a framework for the conservation and management of fish stocks in the high seas. To that end, it obliges States to practise caution when managing fish stocks and their ecosystems, as well as to minimize activities that are harmful to the oceans. However, noting the lack of State participation in the Agreement, my delegation is of the view that the review should be directed at identifying the impediments to States' accession to it.

We believe that strengthening international fisheries governance by filling existing gaps in the Agreement should not be conducted in such a way as to discourage States from joining the Agreement. It would be helpful to reflect on paragraph 12 of the Secretary-General's report (*A/60/189*), which indicates that article 21 of the Agreement has never been applied sensu stricto. We look forward to a discussion on the matter next year.

Indonesia is fully aware of the importance of continued efforts by the international community to find a constructive approach to addressing various issues relating to ocean affairs and the law of the sea. It is therefore a distinct pleasure for my delegation to co-sponsor draft resolution A/60/L.22 on oceans and the law of the sea.

Before concluding, my delegation wishes to express its appreciation to coordinators Mr. Marcos Almeida of Brazil and Ms. Holly Koehler of the United States, as well as to the countries that contributed to the consultations in a spirit of cooperation. It is our sincere hope that all Member States will support the draft resolution.

Ms. Ridgeway (Canada): Canada is pleased to offer its perspectives on the challenges relating to this important agenda item.

The commitments manifested in the action-oriented draft resolutions on sustainable fisheries and on the law of the sea, which Canada is pleased to co-sponsor, come at a critical and complex time for fisheries and for the law of the sea. The need for concrete, concerted and coherent actions that live up to our commitments relating to the conservation and sustainable use of oceans and their resources has never been so pressing.

(*spoke in French*)

Canada, which has coastline on three oceans — the longest coastline in the world — has a significant stake in ensuring success. Our history and trade are inextricably linked with the sea. Our oceans and their resources provide a foundation for our coastal communities and play a key role in our identity as Canadians.

Current statistics on the state of the world's fisheries and various reports setting out the threats to oceans resources and biodiversity are well known. The increased vulnerability of the oceans and their resources is a reality that has mobilized attention from various perspectives — citizens, communities, those who rely on such resources for their livelihoods, international organizations, academia and civil society.

(*spoke in English*)

We have committed ourselves to addressing those risks, including at the World Summit on Sustainable Development. However, many of those commitments remain elusive owing to lack of capacity and tools, and even lack of agreement on future steps, which could appear as lack of international resolve to move forward decisively.

Indeed, the very complexity of legal and other instruments, management measures and forums dealing with oceans issues makes it difficult to find coherent, cooperative and practical approaches that can garner both domestic and international consensus.

An integrated, transparent, adaptive and enforceable regulatory framework is essential for fisheries and oceans sustainability and that of its industries. The challenge is whether we can pull together the threads of fisheries and oceans conservation issues and create an agenda that converges and plays to strengths coherently, rather than one that diverges and fragments.

We will have an unprecedented opportunity for united action for improvement if the international community can unite its strengths.

Let us take the case of fisheries.

(*spoke in French*)

This year has marked an important turning point in the momentum for change. We must capture that momentum and build upon it. Millions of people worldwide depend on fisheries for work and millions more depend on them for food. But overfishing is taking a socio-economic and environmental toll.

Combating overfishing is a top priority for Canada and for our Prime Minister, who has spoken about the issue repeatedly at international conferences and bilateral meetings. But there can be no success in that challenge without international cooperation. Canada is ready to play its role to help find solutions.

(*spoke in English*)

The international community has developed a series of both legally binding and voluntary tools dealing with fisheries and oceans management. The United Nations Fish Stocks Agreement, in particular, needs many more States parties in order to become the universal instrument that it is intended to be.

The world now needs to move from words to action so as better to use such instruments by fully implementing their obligations. Canada looks forward to the 2006 review conference of the United Nations Fish Stocks Agreement, which will examine the progress made so far and point the way towards even more effective implementation.

There has been an encouraging convergence of views and momentum aimed at ensuring that overfishing and illegal fishing are not tolerated, either domestically or on the high seas, and at ensuring that regional cooperation to manage high seas fisheries is a strong part of the broader oceans governance agenda.

Several events should be highlighted. The United Nations Food and Agriculture Organization's March 2005 Rome Ministerial Declaration on illegal, unreported and unregulated (IUU) fishing provides a global commitment to action. The Conference on the Governance of High Seas Fisheries and the United Nations Fish Stocks Agreement, hosted by Canada in May 2005, and the resulting St. John's Declaration signed by 19 Ministers or their designates constitute an important political commitment to international cooperation in the reform of fisheries governance. The second Asia Pacific Economic Cooperation Oceans-Related Ministerial Meeting in Bali, the Joint Ministerial Statement and the Bali Plan of Action set out a broad regional oceans strategy, including specific priorities for action to address the threats of IUU fishing. The continuing work of the ministerial High Seas Task Force on IUU Fishing, joined by Canada, the United Kingdom, Australia, New Zealand, Chile and Namibia, will soon recommend practical ways of addressing IUU fishing for which we will seek a broader coalition of support to take that approach forward and make it a global reality.

(*spoke in French*)

But action to prevent overfishing, including the hard choices that will make those commitments real, starts at home. A coalition of support for national, regional and global change is needed. That coalition must also ensure that domestic overdependence and overcapacity do not create unreasonable pressures that threaten international cooperation.

Domestically, Canada is building a strategy to improve international cooperation in the fight on high seas overfishing. The strategy is built on vigilant monitoring and surveillance to increase compliance on the high seas, a diplomatic and advocacy strategy to create the conditions for change, and commitment and capacity to work internationally for improved international fisheries and oceans governance.

(*spoke in English*)

In that effort, it is critical to develop country capacity for fisheries and oceans management. Canada has announced a contribution of 500,000 Canadian dollars under Part VII of the United Nations Fish Stocks Agreement to help in that respect.

But the challenge for fisheries governance is not just to fix the problems of fishery but to ensure that it becomes a reliable part of the foundation for integrated protection, use and governance of oceans more broadly.

Canada's commitment to modern oceans management is reflected in our Oceans Action Plan released in May 2005. Its basis is integrated oceans planning, founded on an ecosystem approach to management. Large Oceans Management Areas provide the integrating framework, and that will include fisheries management renewal.

(*spoke in French*)

The Plan also recognizes that some marine environments and the resources they hold need special protection and management. Many instruments are available to provide special protection, including marine protected areas. Canada has announced a strategy for a federal network of marine protected areas in all three of our oceans. Last month, Canada designated three new marine protected areas, bringing the total to five. Those areas protect diverse sensitive areas and elements that range from the Endeavour hydrothermal vents off our Pacific coast to a unique strain of Irish moss and its habitat, Basin Head, in the Atlantic.

The lessons we and other participants have learned from those domestic efforts help us understand the challenges of the World Summit on Sustainable Development commitment to establish an international network of marine protected areas. For its part, Canada will soon host a workshop of international experts to discuss criteria in use to define ecologically and biologically significant areas, which we hope will be useful to the ongoing international debate.

(*spoke in English*)

We are looking forward to a successful meeting of the Ad Hoc Open-ended Informal Working Group on biodiversity beyond areas of national jurisdiction, which we hope will improve our collective knowledge on the issue of high seas biodiversity. The management of the agenda, in all its facets, is a challenge for States, international organizations and other participants. We need a constructive debate that will help define the options we face in protecting high seas biodiversity.

The implementation of an ecosystem approach to management is a complex task. In fact, it is a challenging concept for both developed and developing countries. Canada will be pleased to offer its perspective and experience with States and others at the 2006 meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which will address ecosystem approaches and oceans.

Canada values that inclusive informal process, which engages open discussions on such issues, and we are pleased to see it continue. It helps us to understand possible joint solutions and the current discussion and to identify in which areas additional understanding and mechanisms are needed. That complicated topic requires a well-managed debate and a clear delineation of the steps that will help us understand how to make ecosystem approaches a reality.

(*spoke in French*)

The themes in the draft resolutions reflect a collective, multidimensional and multidisciplinary agenda that must value balanced and reasoned approaches.

(*spoke in English*)

Canada's vision includes a strong understanding of fisheries and oceans, modernized and credible domestic and international fisheries governance, a linking-up of the domestic and international oceans agenda to all key players and mechanisms and the understanding that all involved will take up their roles with determination. Many of the mechanisms are nothing more than the sum of the political will and the capacities of States players. Canada is committed to helping in that endeavour.

Mr. Ngunjiri (Kenya): At the outset, I express my delegation's appreciation to the Secretary-General for the comprehensive reports on this item, which contain developments relating to implementation of the United Nations Convention on the Law of the Sea (UNCLOS). Those documents provide a solid basis for today's discussion.

My statement will focus on three issues that are of major concern to Kenya — namely, capacity building, marine safety and security, and the marine environment.

The lack of adequate capacity in many developing countries is a serious impediment to the implementation of the Convention and its related agreements. The Convention acknowledges this problem and emphasizes the need to build capacity and provide technical assistance to developing countries, especially in areas such as marine scientific research, transfer of technology, activities in the Area and preservation of the marine environment.

My delegation notes with gratitude that the Division for Ocean Affairs and the Law of the Sea has continued to play a lead role in capacity-building initiatives targeting developing countries. These initiatives have contributed and continue to contribute significantly to the ability of developing States to meet their obligations under the Convention through enhancement of knowledge and skills in ocean affairs and the law of the sea. I refer specifically to the United Nations Institute for Training and Research (UNITAR) briefings on development in ocean affairs and the law of the sea; the Hamilton Shirley Amerasinghe

Memorial Fellowship Programme; the TRAIN-SEA-COAST programme; and the Nippon Foundation supported programme, for which we are grateful to the Foundation.

The series of training courses aimed at promoting compliance with article 76 of the Convention have been particularly useful to developing States, which lack the capacity to undertake the complex delineation exercise envisaged under article 76. Experts from my country participated in the course for the Indian Ocean region, held in Sri Lanka from 16 to 20 May 2005. The course, together with the comprehensive manual developed by the Division on preparation of submissions to the Commission on the Limits of the Continental Shelf, has helped our experts to obtain a better understanding of the full procedures for the preparation of submissions. This will no doubt help speed up the preparation of our submissions.

We urge that these initiatives be sustained through, inter alia, increased voluntary contributions to the trust funds established under the Convention. In particular, we call for further strengthening of regional and subregional scientific research capacities in developing countries.

Maritime security and crimes at sea are an important element in the management of our oceans. My delegation notes with concern the frequent occurrence of incidents of piracy and armed robbery at sea, as reported in paragraph 95 of the report of the Secretary-General (*A/60/63*). This is an indication that the measures currently in place are far from adequate. We recognize the ongoing efforts by the International Maritime Organization to coordinate international efforts to eradicate these crimes. However, we urge that more focus be given to high-risk regions, especially in areas where national Governments lack the capacity to effectively patrol and provide security in their territorial waters. The Eastern African coast, for instance, has in the recent past experienced a series of armed attacks, particularly in the waters adjacent to Somalia. This year alone, it has been reported that about 23 hijackings and attempted seizures have been recorded off the Somali coast, including two ships carrying aid for the United Nations World Food Programme. A number of ships destined for my country have also been targets of attacks in the last few months. These attacks have had very grave ramifications on our tourism industry and other economic activities, since some ships that were originally destined for the port of Mombasa have opted to divert to other destinations for fear of attacks.

Developing coastal States need support in enhancing their control measures in order to effectively combat the use of maritime transport by illicit traffickers of narcotic drugs and psychotropic substances. We, therefore, welcome the recent initiative by the United Nations Office on Drugs and Crime to support States' control measures in developing countries, through the provision of equipment and training to target illicit trafficking via maritime freight containers. We hope that the pilot programme in Ecuador and Senegal will be replicated in other coastal developing States.

My delegation attaches great significance to the marine environment and supports the implementation of Part XII of the Convention, which deals with the protection and preservation of the marine environment and resources from pollution and physical degradation. Within our coastal and marine areas, we have established national marine parks and reserves in order to enhance protection and conservation of the diverse and highly productive ecosystems therein. We have recently amended our Merchants' Shipping Act, with a view to reducing marine pollution from marine transport activities and dumping. Kenya is also actively involved in the Eastern Africa Regional Seas Programme and the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, and is the coordinator of the New Partnership for Africa's Development coastal and marine thematic area.

Three years ago, the World Summit on Sustainable Development agreed to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment. My delegation notes with satisfaction the progress that has been made towards this end and welcomes the conclusions of the second international workshop on the regular process for global reporting and assessment of the state of the marine environment. We endorse the launch of the start-up phase of the "assessment of assessments" as a preparatory stage towards the establishment of the regular process. We also endorse the establishment of an organizational structure that includes an ad hoc steering group to oversee the "assessment of assessments". We urge that the membership of the ad hoc steering group should take into account the need for balanced geographical representation.

Fishery resources contribute greatly to food security, poverty alleviation and the economic well-being of many countries. My delegation reiterates its previous call for enhanced international cooperation in ensuring sustainable exploitation of these resources through enforcement of measures to prevent destructive fishing practices.

However, we see the urgent need for capacity-building, including the transfer of marine technology, to assist developing countries to meet their obligations and exercise their rights under international instruments, in order to realize tangible benefits from fisheries resources. In this regard, my delegation notes with satisfaction that the Assistance Fund under Part VII of the Agreement has began to operate and to consider applications for assistance from developing States parties. We urge States and international financial institutions that are in a position to do so to make voluntary contributions to the fund.

My delegation also appreciates the work of the Food and Agriculture Organization, particularly for developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries. No doubt many developing countries, including my own, will find the document useful in developing our fishing industries in a manner consistent with the relevant international instruments.

In conclusion, I wish to emphasize my country's commitment to the United Nations Convention on the Law of the Sea, which sets out the legal framework within which all activities in the oceans and seas must be carried out. We believe that the Convention continues to contribute significantly to the strengthening of peace, security, cooperation and friendly relations among nations and the economic and social advancement of all peoples of the world.

Ms. Monteiro (Palau): Palau aligns itself with the statement made by Papua New Guinea at the 54th meeting on behalf of the Pacific Islands Forum.

Palau would like to offer its congratulations to all who worked so hard to negotiate the draft resolutions before us today. We are pleased to support both draft resolutions and to be a sponsor of draft resolution A/60/L.23, on sustainable fisheries.

The vitally rich biodiversity of the sea bottom is the common heritage of all people and must be protected by all Member States. Last year, delegations pledged to undertake a review of destructive fishing practices, including bottom trawling, and to take urgent action where regulations are inadequate.

During the negotiations this year, Palau called for an interim prohibition on unregulated bottom trawling, as there is currently no effective mechanism for ensuring the sustainability of marine living resources in the high seas. In making this proposal it was our hope to continue the dialogue on combating destructive fishing practices. While an interim ban was not agreed to, we were pleased to see the insertion of language calling for a strengthened and more definite review process. This will ensure that meaningful examination and appropriate precautionary action can be taken over the next year.

Odious fishing practices are of particular concern to the small island States of the Pacific Ocean. As Palau's President Remengesau recently stated,

> "For Palau, the environment is our economic future. We have no higher issue on our agenda than the preservation of our natural resources. Because of this, we recognize that a delicate balance must be struck between growth and conservation".

At the Pacific Islands Forum leaders meeting held this October in Papua New Guinea, our leaders agreed that the damage from bottom trawling is of serious concern and renewed their determination to develop an appropriate framework for addressing the issue over the next year.

The sustainable fisheries draft resolution stands as an undertaking by the international community to review the impact of fishing activity on marine bed ecosystems. The critical factor now is to ensure that the review process is thorough and prepares us well for next year's negotiations. We take this opportunity to commend the Division for Ocean Affairs and the Law of the Sea for undertaking this important review and trust it will be comprehensive. However, Palau must note with concern that, while we wait for this review to take place, precious marine life and seamounts continue to be vulnerable to destructive fishing practices.

Like the other sponsors of the draft resolution, as well as those delegations participating in its negotiation, we are looking forward to the upcoming session of the United Nations Open-ended Informal

Consultative Process on Oceans and the Law of the Sea and to it fulfilling its ambitious agenda. We also invite the States parties to respond in a detailed manner to the request from the Division for Ocean Affairs for information so that its stand-alone report on destructive fishing practices can be as useful and comprehensive as possible.

Palau will continue to raise the issue of a prohibition on deep sea bottom trawling at all international forums until the legal infrastructure is in place to deal with that destructive practice. We look forward to working constructively with the international community to address this urgent issue and to meet our shared promise to achieve sustainability in the oceans.

Mr. Kryzhanivsky (Ukraine): My delegation aligns itself with the statement delivered by the United Kingdom on behalf of the European Union. Allow me to draw your attention to additional issues that are important to my country.

Ukraine is firmly committed to the United Nations Convention on the Law of the Sea, which represents a significant achievement by the international community and is important testimony to United Nations efforts to codify and develop the international law of the sea. This Convention is not only a charter within which all activities related to oceans and seas should be carried out; it is also a basis for a comprehensive system of economic and political cooperation in marine-related matters.

My country had attached great importance to fisheries issues even before Ukraine became a party to the Fish Stocks Agreement. Ukrainian legislation on fisheries was developed on the basis of provisions and principles of the Agreement. After the Verkhovna Rada — the parliament of Ukraine — passed the Law on Accession to the 1995 Agreement, additional practical steps to implement the provisions of the Fish Stocks Agreement are now being taken. These include, in particular, the adoption of a number of normative legal documents designed to enhance the role of the State in conducting ocean fishing and increasing the responsibility of vessel owners.

Over-exploitation of living marine resources through excessive fishing continues to be of grave concern to the international community. As a geographically disadvantaged country bordering a sea which is poor in living resources and suffering from the depletion of fish stocks from its exclusive economic zone, Ukraine places special emphasis on the problem of illegal, unregulated and unreported fishing.

We strongly believe that all States should apply effective measures for the conservation, management and exploitation of fish stocks in order to protect living marine resources and preserve the marine environment. Better international cooperation in this sphere is needed, and the crucial role here belongs to the relevant regional organizations. It is important that regional fisheries enhance their cooperation with a larger number of States, in particular with high-seas fishing States and geographically disadvantaged States.

The international legal framework within which commercial vessels flying Ukraine's flag can fish on the high seas consists of the 1982 United Nations Convention on the Law of the Sea, the Fish Stocks Agreement and the 1980 Convention on the Conservation of Antarctic Marine Living Resources. In addition, our State participates in the International Commission for the Northwest Atlantic Fisheries and in the Northwest Atlantic Fisheries Organization.

After joining the Food and Agriculture Organization (FAO), Ukraine affirmed its adherence to modern standards of sea fishing by accepting a long list of voluntary obligations, including codes and action plans elaborated by FAO to ensure the sustainable use of marine resources.

In 2002 Ukraine adopted a law on its national programme "On the building of fishing vessels", for 2002-2010. The year 2003 saw the adoption of the national programme for the development of the fishing industry in Ukraine up to 2010. The national bill on fishing has been elaborated and is now being considered by the Parliament of Ukraine.

Subordinate legislation regulating fishing on the high seas under the Ukrainian flag is currently being developed. Such legislation is aimed at regulating the activities of the Ukrainian fishing fleet and includes a list of commitments and priority actions for users.

Ukrainian delegations participate in the work of the various bodies of the Northwest Atlantic Fisheries Organization and of the North East Atlantic Fisheries Commission, advocating the obligatory presence of scientific observers on all marine vessels and in all fields of commercial fishing in the spheres of activity of those organizations. The State Department of

Fisheries has recently undertaken voluntary commitments relating to numerous standards for the exploitation and preservation of marine living resources. Those commitments include the Code of Conduct for Responsible Fisheries; the international plan of action for reducing incidental catch of seabirds in longline fisheries; the international plan of action for the conservation and management of sharks; and the international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing.

With respect to the problem of stock management and fishing, we would like to emphasize the need to introduce stricter measures to limit the level of exploitation of most stocks. At present there is no universal approach to determining biological criteria for an admissible level of stock exploitation.

We would emphasize the need to ensure effective coordination and cooperation in the process of integrated ocean management so as to promote sustainable fisheries, enhance maritime safety and protect the marine environment from pollution.

The institutions established within the framework of the Convention are essential components of the global regime that provides for the rule of law and the maintenance of peace and security in the oceans.

We note with satisfaction the effective functioning of the International Seabed Authority. It is important that the Authority, while examining the reports submitted by contractors, continue the elaboration of rules, regulations and procedures to ensure the effective protection of the marine environment and the conservation of the natural resources of the Area.

We would underline once again the crucial role played by the International Tribunal for the Law of the Sea in the process of the interpretation and implementation of the 1982 Convention and the Agreement. Since the Tribunal handed down its first judgement, it has considered 11 cases, and we hope that it will register new achievements in future.

In concluding my statement, I would like to convey Ukraine's appreciation to the Secretary-General for both the quality and scope of the report, which itself is a powerful tool for facilitating international cooperation and coordination. The activities of the Division for Ocean Affairs and the Law of the Sea continue to be intensive and commendable.

Mr. Dhakal (Nepal): The United Nations Convention on the Law of the Sea (UNCLOS) is considered a "constitution of the sea" that is expected to make significant contributions to maintaining international peace, security and order by governing ocean affairs, and thus to socio-economic development in the world. The Convention reflects the significant progress achieved in the codification and progressive development of international law relating to the sea. It provides a comprehensive international legal framework for cooperation among Member States towards the management of oceans for the benefit of all humankind.

Nepal attaches importance to the work of the United Nations with regard to the implementation of the United Nations Convention on the Law of the Sea and other international instruments related to oceans and the seas. My delegation joins previous speakers in thanking the Secretary-General for having submitted comprehensive reports for our consideration under the agenda item concerning oceans and the law of the sea.

My delegation has taken note of the reference made in paragraph 15 of the Secretary-General's report (A/60/63) concerning access to and from the sea by landlocked developing countries and freedom of transit.

The reports draw our attention to important issues facing the United Nations, including the increasing adverse impact on marine ecosystems and the depletion of fish stocks resulting from illegal, unreported and unregulated fishing in the seas beyond areas of national jurisdiction. We urge the international community to take the necessary measures for the sustainable use of oceans and for the conservation and management of the biodiversity of the international seabed as the common heritage of humankind.

My delegation is concerned that the growing deterioration of the marine environment and the overexploitation of living marine resources could have a negative effect on global efforts to prevent the degradation of the environment and to ensure sustainable development, including with regard to geographical diversity and mountain ecosystems. In view of the biotechnological potential and vulnerability of living marine resources, we underline the need for efforts to ensure marine biodiversity and to prevent, reduce and eliminate pollution of the marine environment from ships and land-based activities.

We also encourage the International Seabed Authority to undertake the necessary measures with regard to the protection of the flora and fauna of the seabed, as provided for in article 145 of the Convention on the Law of the Sea. There is also a need to regulate the prospecting for and exploration of polymetallic sulphides and cobalt-rich crusts.

Despite our accomplishments over the years in terms of the institutionalization of international cooperation in the field of the law of the sea, the United Nations still faces great challenges in the effective implementation the Convention at the global, regional and national levels in order to realize its various provisions. Small developing landlocked and least developed countries in particular have faced disadvantages due to lack of awareness, limited capacity and geographical handicaps, impeding their optimal realization of the benefits from the world's oceans and seas.

It is encouraging to note that article 125 of UNCLOS provides for the right of access of landlocked countries to and from the sea and freedom of transit through the territories of transit countries by all means of transport. The 2005 world summit unequivocally recognized the special difficulties and concerns of landlocked developing countries in their efforts to integrate their economies into the multilateral trading system.

My delegation welcomes the recommendation of the Secretary-General that the international community provide financial and technical support for the full, timely and effective implementation of the São Paulo Consensus, adopted by the eleventh session of the United Nations Conference on Trade and Development (UNCTAD), held last year, and the Almaty Ministerial Declaration and Almaty Programme of Action, which take into account the special needs and vulnerabilities of landlocked developing countries, particularly the least developed ones.

We underline the need for measures to further strengthen cooperative and collaborative efforts to address transit transport issues, among others, to improve the physical infrastructure and non-physical aspects of transit transport systems, and to develop joint ventures and strengthen institutions and human resources.

It is high time for all of us to rededicate our continued coordinated and effective efforts to achieving the noble goals of UNCLOS and of other commitments to ensure equity, justice and progress for all humankind.

Mr. Choudhury (Bangladesh): May I just say how good it is to see you, Mr. Vice-President, in the Chair. We also thank the Secretary-General for his reports under this item.

Some 140 million people live in Bangladesh, on a territory of a mere 147,570 square kilometres. Resources are scarce. It is not easy to provide that vast population with a decent standard of living, to which we all aspire. Therefore, as a coastal country with seafaring traditions, we look to the sea for further resources. From that perspective, Bangladesh attaches particular importance to the United Nations Convention on the Law of the Sea, to which it became a party in 2001, as the legal framework for the peaceful use of sea resources. It is heartening that the Convention is fast approaching its universalization, with 148 States parties. My country is committed to full implementation of the Convention.

The achievements of our generation are many. We have split the atom. We have conquered Mount Everest. We have left our footprint on the moon. However, there exists a breathtaking gap in our scientific knowledge of the resources of sea. The seabed covers some 71 per cent of world's surface. An amazing variety of living organisms are present in the sea, which has become one of the major sources of food for our peoples. Aside from the traditional non-living resources of the sea, such as oil and gas, it is estimated that the seabed contains close to 300 minerals, many of which may eventually prove worthy of exploration and exploitation for the benefit of mankind. The Convention should provide us with the necessary guidance in our common endeavours in that direction.

The authors of the Convention, which is often referred to as the constitution of the sea, envisioned it as, among other things, an instrument for ensuring the equitable sharing of the living and non-living resources of the sea. It brought a modicum of order to a system fraught with potential conflict. Its scope of application is vast. It covers all uses of ocean space, including navigation and overflight. It sets up rules for all uses of all living and non-living resources on the high seas, on the ocean floor and beneath it, on the continental shelf and in the territorial seas. It provides guidance to

protect the marine environment by ensuring the sustainable use of marine resources, and it contains provisions for dealing with crimes committed at sea.

Oceans are of enormous value to the world's population. They provide us with food, water, raw materials and energy. The combined value of ocean resources such as fish and minerals, including oil and gas, and ocean uses such as the recreation industry, transportation and communications, is currently estimated at approximately $7 trillion per year. However, there exists a wide disparity between developed and developing countries in the share of benefits received from that vast wealth. We believe that enjoyment of marine resources must be conducted in a way that promotes and protects the interests of all. Such an approach would give true meaning to the expression "the common heritage of mankind" established by the Convention. We welcome the establishment of reserved areas under the authority of the International Seabed Authority in that regard. We also call for expedited establishment of the Enterprise.

Enhanced marine scientific research is critical for sustainable exploration and exploitation of marine resources. We are disappointed that the participation of marine scientists from developing countries in marine scientific research has progressively become marginal. That has effectively reduced the possibility of the participation of developing countries in marine resources exploration and exploitation. That trend must be reversed. Expanding the knowledge base of scientists from developing countries is critical for their full enjoyment of the rights set out in the Convention.

Bangladesh, a developing country, could also benefit from technical cooperation with other States parties, developed and developing, and relevant institutions in the fields of capacity-building, technology transfer and the development of expertise in the areas covered by the Convention. Such cooperation might include training facilities and joint surveys. Training on legal issues and on the preparation of national submissions regarding the delineation of the continental shelf would be of immense benefit in building our national capacity. Joint surveys for coastal and seabed mapping, as well as a survey of the resources, would also be useful. We appreciate efforts of the Division for Ocean Affairs and the Law of the Sea in that regard. Bangladesh calls for strengthening and expanding the Division's programmes in the area of human resource development.

More than half the world's population now lives within 100 kilometres of the coast. The prospect of increased economic activity at the sea's edge will inevitably result in the increased movement of people to coastal areas. According to one estimate, up to three fourths of the world's population will live in coastal areas by 2025. Such a large-scale movement of populations to coastal areas, coupled with a significant increase in economic activity and industrialization along the coastline — including oil and gas exploration, mining, fish farming, tourism and the development of ports — would put enormous pressure on coastal areas. We ought to be prepared for the consequences, including the environmental consequences, of such a large-scale relocation of human and economic activities surrounding the sea.

The offshore areas of Bangladesh, including its exclusive economic zone, have enormous riches in terms of biodiversity and energy potential. That natural treasure house is now under the increasing threat of pollution caused both by land-based activities and by ocean-going vessels. Bangladesh would be particularly vulnerable to the devastating effects of a major oil spill. A single such incident could bring enormous suffering to the lives and livelihood of people in the coastal belt.

In that context, Bangladesh attaches the utmost importance to an ecosystem-based approach in the exploration and the exploitation of all mineral and living and non-living resources. Such an approach should preserve biodiversity and not cause harm to the marine environment. We must strike a balance between marine resources exploitation and the conservation of the marine environment. The pollution of the marine environment through our land-based activities such as the dumping of waste, as well as unregulated shipping activities, has become a concern for all. Illegal, unreported and unregulated fishing in areas within and outside national jurisdictions has become cause for great concern. We must act now to apply the provisions of the Convention in that regard if we are to preserve the sea as a repository of resources.

We are also concerned by the continuing problem of crimes committed on the sea. Transnational crimes, including piracy and armed robbery, are threatening marine safety and security. Their effect on the international sea trade, which moves approximately 90 per cent of goods, has proven colossal.

We value the work of the three bodies created by the Convention: the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. As a State party, Bangladesh is committed to actively and constructively engaging in their activities. We hope to work with other States parties to realize our shared vision of the sustainable use of sea resources for the common welfare of mankind. In the process, we also aspire to reap our due share of benefits for the people of Bangladesh.

We believe that the full, equitable and judicious implementation of the United Nations Convention on the Law of the Sea would advance our common endeavours for a substantial improvement of the living standards of our peoples. I am sure that if we can achieve that, it will be one of the greatest contributions towards building a prosperous world for our generation and for unborn generations. The route ahead of us might be long and arduous, but we are determined to sail through the rough seas, for we all know that reaching port will be worth our while.

Mr. Nguyen Duy Chien (Viet Nam): First of all, we join other speakers in thanking the Secretary-General for a set of comprehensive reports, namely documents A/60/63 and its two addenda, A/60/91, A/60/99 and A/60/189, on developments and issues relating to oceans and the law of the sea and to fisheries during the past year.

Since last year, the number of States parties to the United Nations Convention on the Law of the Sea (UNCLOS) has risen from 145 to 149. Our delegation warmly congratulates new UNCLOS States parties and believes that the current trend of broadening the membership of the Convention will continue. The Secretary-General's report to the General Assembly on oceans and the law of the sea was also presented, for the first time, to the fifteenth Meeting of States parties under article 319 of the Convention. We welcome that new development.

We also note with satisfaction the great work done by the International Seabed Authority (ISA), the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. Over the last six years, the Open-ended Informal Consultative Process has made valuable contributions to the General Assembly's annual deliberations on ocean affairs and the law of the sea. We therefore support the renewal of the mandate of the Informal Consultative Process for the next three years. Last year, the General Assembly also decided, in paragraph 73 of its resolution 59/24, to establish an ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. We look forward to the upcoming discussions within the working group.

We wish to take this opportunity to highlight recent activities undertaken by Viet Nam in the field of oceans and the law of the sea. At the national level, we continue our efforts to improve the legal framework regulating marine issues. In June 2005, the National Assembly of Viet Nam adopted the Maritime Code, which is in full conformity with the provisions of UNCLOS and other ocean-related international instruments to which Viet Nam is a party. At present, the preparation of a law on Viet Nam's sea zones is also under way.

At the regional level, we actively participated in negotiating and adopting the Tokyo Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia as well as in other activities within the framework of the Association of Southeast Asian Nations (ASEAN).

Regarding the South China Sea — the Bien Dong Sea — the Thirty-eighth ASEAN Ministerial Meeting, held in Vientiane last July, continued to reaffirm the importance of the Declaration on the Conduct of Parties in the South China Sea — the Bien Dong Sea — as an important step towards a regional code of conduct in the South China Sea. Viet Nam is committed to respect and implement its provisions and calls upon other signatories to fully implement it, to continue to undertake confidence-building measures for the maintenance of peace and stability in the region and to commit themselves to resolving the dispute in the South China Sea through peaceful means in accordance with international conventions, including UNCLOS.

At the international level, Viet Nam continues to attach great importance to the discussion of developments and issues relating to oceans and the law of the sea. We participated in the fifteenth Meeting of States parties, the eleventh session of the International Seabed Authority and other relevant and important meetings.

It is Viet Nam's view that in implementing relevant provisions of UNCLOS and other international

conventions, developing countries encounter multiple difficulties due to the lack of technical, administrative and financial capacity. That reality requires continued efforts aimed at assisting developing countries to enhance capacity-building and human resources development, to get access to advanced information and technology and to share in expertise involving oceans exploitation. In that context, we welcome the valuable contributions made by all donors to various trust funds of which developing countries are beneficiaries.

We also appreciate efforts by the Division for Ocean Affairs and the Law of the Sea in organizing specific training courses and programmes for participants from developing countries such as the United Nations-Nippon Foundation Fellowship Programme and the first regional workshop, held in Fiji, relating to the issue of the delineation of the outer limits of the continental shelf beyond 200 nautical miles.

Mr. Wali (Nigeria): The United Nations Convention on the Law of the Sea, of 1982, remains a landmark legal instrument of the contemporary world and, indeed, of all human civilizations and ages. There is no gainsaying that our treatment of the high seas will have an impact on our shared goals for international peace and security and sustainable development. Indeed, the steadfast, efficient and effective application of the provisions of the Convention is central to the continued survival of all life on Earth. It is in the light of this that Nigeria, as a signatory to the Convention, welcomes the increase in its adherence to 149 States parties.

Nigeria wishes to express its gratitude to the Secretary-General for his comprehensive yet succinct reports A/60/63, A/60/63/Add.1, A/60/63/Add.2 and A/60/91. We also note with appreciation that the reports incorporate information on the helpful initiatives of the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf in fulfilment of their respective mandates under the Convention. We agree with the Secretary-General that, in spite of such efforts, our oceans and seas are still endangered by factors such as climate change, natural disasters, environmental degradation, depletion of fisheries, loss of biodiversity and ineffective flag-State control. There is, therefore, an urgent need for the enactment and rigorous implementation of concrete measures to address those challenges.

With regard to fisheries and related matters, which formed one of the cardinal topics examined at the sixth meeting of the United Nations Open-ended Informal Consultative Process, we agree with the Secretary-General that the fisheries sector can contribute to sustainable development only if it has itself been managed in a sustainable way.

Fisheries management should promote the maintenance of the quality, diversity and availability of fishery resources in sufficient quantities for present and future generations in the context of food security, poverty alleviation and sustainable development. It should also take account of the economic, social and cultural needs of fisheries-dependent communities, as well as the need of developing countries to maintain the revenues from trade that are necessary for their development.

The constraints placed on small-scale fisheries in many parts of the world are of critical concern to Nigeria. Those constraints — comprehensively and succinctly presented in paragraphs 216 to 221 of the Secretary-General's report contained in document A/60/63 — impoverish small-scale fisheries, reduce the contributions of fisheries to sustainable development and damage the environment and the health of local people. We therefore endorse the Secretary-General's call for relevant authorities to make explicit choices to take on board the needs of small-scale fisheries, particularly to facilitate or maximize food security and poverty alleviation.

With regard to factors limiting the contribution of fisheries to sustainable development, illegal, unreported and unregulated fishing and overfishing remain a primary challenge. Nigeria is concerned about the relentless practices and engagements on the high seas that tend towards over-exploitation, excessive fleet sizes, the re-flagging of ships to escape controls, excessive bycatch and the lack of enforcement of conservation measures, as well as unreliable databases and the lack of cooperation between States. Those problems result from that lack of cooperation among Member States to forge a universal legal regime for the conservation and management of fisheries. They have been further compounded by the inability of regional fisheries management organizations, particularly those in developing countries, to effectively monitor the fishing vessels of non-contracting parties because the relevant flag States are not parties to such organizations.

The regulations of the organizations are often violated with impunity, and their principal objective — to conserve and ensure sustainable use of the managed fisheries — is undermined. We enjoin States involved to rein in their fishing firms so that our shared responsibilities and duties under the Convention and the 1995 Agreement are not shirked.

Nigeria considers the forthcoming May 2006 review conference of the Fish Stocks Agreement to be of great importance for our efforts to manage fishery stocks. Indeed, that review should provide an opportunity for States to reaffirm their support for the abolition of policies and practices that have had, and continue to have, a negative impact on developing countries. We should not shy away from measures that would help to protect marine natural resources from pollution or illegal, unregulated and unreported fishing. I hasten to add that such measures should include those taken at national and regional levels with regard to waters under national jurisdiction, particularly those belonging to coastal developing countries.

Nigeria also welcomes the various initiatives and programmes directed at building and strengthening the capacities of developing countries, including contributions by the United Nations Institute for Training and Research (UNITAR), the Hamilton Shirley Amerasinghe Memorial Programme, the United Nations-Nippon Foundation fellowship programme, the TRAIN-SEA-COAST programme, trust funds and other technical assistance packages. Those programmes complement others undertaken in collaboration with the Food and Agriculture Organization of the United Nations, such as the United Kingdom-funded Sustainable Fisheries Livelihoods Programme, the Global Environment Facility of the United Nations Development Programme and the Commonwealth Secretariat.

In the same vein, we believe regional training courses — such as that relating to the preparation of submissions to the Commission on the Limits of the Continental Shelf on the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, which has been proposed for Accra early next month — reflect synergies that would redound to the interests of participants. We commend the Division for Ocean Affairs and the Law of the Sea, the Office of Legal Affairs, the Government of Ghana, the Commonwealth Secretariat, the African Union and the International Seabed Authority, which have jointly organized the course. There is a need to make such training programmes more sustained as part of the process.

I wish to assure the Assembly that, in those efforts, Nigeria will continue to work closely with Member States.

Mrs. Ramos Rodríguez (Cuba) (*spoke in Spanish*): We are very pleased that the United Nations Convention on the Law of the Sea remains fully in force today. We reaffirm its universal character and fundamental importance for the maintenance of international peace and security, as well as for the sustainable development of the oceans and seas.

My delegation places particular emphasis on the need to strengthen international cooperation among all the stakeholders involved in the management of the oceans and seas, including information-sharing and capacity-building — aspects of vital importance for developing countries.

Given its geography, my country is particularly interested in issues relating to the seas and oceans. Despite the serious economic difficulties that it faces, it continues to make great efforts in implementing its national strategies for sustainable development and the protection of the marine environment with a view to ensuring the coherent and effective application of the provisions of the Convention.

The United Nations Convention on the Law of the Sea establishes an appropriate and universally recognized legal framework within which all activities relating to the oceans and seas are carried out. It is for that reason that we call attention to the policies and initiatives of certain States that contravene the Convention, as in the case of the Proliferation Security Initiative. The practical implementation of that initiative would require us to ignore the generally accepted standards relating to the interception of vessels and to the legal regimes that apply in various maritime areas.

The President took the Chair.

Furthermore, we would like to point out that any commercially oriented activities concerning biological diversity in areas beyond national jurisdiction must be governed by the principles established by the Convention, which states that marine scientific research in the Area must be carried out exclusively for

peaceful purposes and for the benefit of all of humankind.

In that context, we await with interest the outcome of the Ad Hoc Open-ended Informal Working Group, which is scheduled to meet in February 2006 to study issues relating to the conservation and sustainable use of marine biodiversity beyond national jurisdiction. We believe that all issues relating to the mandate of that Group must be studied in detail, including those relating to the common heritage of humankind and the effective distribution of benefits in accordance with the principles of international law, including the Declaration of Principles Governing the Seabed and Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, as contained in General Assembly resolution 2749 (XXV), and the United Nations Convention on the Law of the Sea.

We cannot conclude without thanking the coordinators of the two draft resolutions before us today for their work.

Mrs. Picco (Monaco) (*spoke in French*): The Principality of Monaco has always been especially concerned about the protection of the seas and the oceans, as evinced by its involvement in the Mediterranean region.

As in the past, the quality of the many reports submitted for our consideration under the agenda item on oceans and the law of the sea attests to the exemplary work of the Division for Ocean Affairs and the Law of the Sea and the dedication of its staff. That work also reflects the central role played by the oceans and seas, including sustainable fisheries, in the future of our planet.

Among the various areas covered by the two draft resolutions that Monaco is co-sponsoring, I wish to highlight the following points.

Three years after the Johannesburg World Summit on Sustainable Development, the General Assembly is preparing to launch the initial phase of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects. The next two years, during which the "Assessment of Assessments" will take place, will be crucial to the establishment of the process.

The Principality of Monaco is very pleased that the United Nations Environment Programme (UNEP) and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization were chosen as the lead organizations for the important "Assessment of Assessments" phase. We have confidence in that partnership. The research and summarizing work to be carried out is mainly scientific at this stage. The results to be submitted by the experts will serve as a basis for the policy decisions to be taken by our leaders. The conclusions to be submitted will be essential because they will constitute the basis of our future work in effectively implementing that indispensable process for ensuring the protection of the marine environment and enhancing the socio-economic aspects of the use of the oceans.

As the host country of the International Hydrographic Organization (IHO), the Principality of Monaco gladly welcomes the fact that 21 June of each year will be celebrated as the World Hydrography Day. The role of hydrography in the security of navigation, the preservation of human life at sea, and the protection of the environment, including vulnerable marine ecosystems, has too long been unknown by the public at large. Obtaining observer status in the General Assembly has allowed the IHO to develop its assistance in creating electronic maritime charts that contribute to the sustainable exploitation of fisheries, other uses of the marine environment, the delimitation of maritime borders, and environmental protection. Over and above the tribute it pays to the work of hydrographers, the annual event will allow us to promote a scientific field that has remained in the shadows for too long.

The alarming UNEP report on marine debris only heightens our concern over the ever-growing accumulation of non-biodegradable debris in the marine and coastal environments. Despite efforts to create a legal framework to protect seas and oceans, lacunae still exist both in the application and enforcement of international rules and norms, and in the understanding by the principal actors and the public of the problem. And yet, marine debris has disastrous consequences for the environment, the economy, security and health. Very few studies exist to permit an assessment of the scale of the phenomenon, and its effects can be difficult to evaluate, particularly because of the very nature of such debris, such as that known as phantom fishing.

Another subject of concern is the issue of noise pollution and its effects on marine biological

resources — a phenomenon that is new to many of us. While not yet the subject of international regulation, noise pollution in the marine environment is responsible for changes in behaviour and for injuries that could lead to the deaths of marine mammals and other species. The various appeals launched in 2004 — particularly by the International Whaling Commission, the European Parliament, and the parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area — should urgently prompt us to undertake more thorough studies and work that will allow us take the necessary measures at the regional and international levels.

2006 will see the convening of the review conference of the States parties to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The conference will allow us to assess the progress achieved with regard to illegal, unreported and unregulated fisheries; to the responsibility of flag States, especially for the genuine link; to tracing fish; to inventories of fishing vessels; and so on.

I will conclude my statement with a reference to a legal concept that needs to be strengthened: the precautionary principle. This year, we commemorate the tenth anniversary of the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and we must continue to strengthen the protection of the marine ecosystem. The precautionary principle and the ecosystem approach are fundamental to the conservation and management of fishing resources. In that respect, my delegation welcomes the adoption of the theme of "an ecosystem approach to oceans management" as the central element of the forthcoming meeting of the Open-ended Informal Consultative Process.

The President: I wish to inform members that, at the request of the sponsors of draft resolution A/60/L.26, action on the draft resolution is postponed to a later date, to be announced in the *Journal*.

Mr. Lobach (Russian Federation) (*spoke in Russian*): The discussion of maritime issues is traditionally accorded considerable importance by the General Assembly. The Russian Federation actively supports efforts aimed at the progressive development of maritime law and at improving multilateral cooperation machinery to strengthen international legal control of State activities on the high seas, the effective use and conservation of marine resources, the protection of the marine environment, and the conduct of scientific research.

I wish to note in particular the contribution of the Secretary-General in that sphere. His annual report on the law of the sea and sustainable fisheries contains much useful information and provides a good basis for a comprehensive assessment of the current situation and for defining future collective measures in that area.

The 1982 United Nations Convention on the Law of the Sea is an extremely important instrument for ensuring effective multilateral cooperation on the high seas. In the years since it came into force, that unique international agreement has fostered a qualitative improvement in the legal regime and strengthened multilateral coordination in maritime affairs. We note in particular the Convention's role in maintaining peace and security and in the use of the maritime space for peaceful ends. We call on States that have not yet done so to accede to the Convention in the near future.

The Russian Federation welcomes the outcome of the work of the international organizations established pursuant to the Convention, in particular the International Seabed Authority (ISA). Today, the ISA has important and wide-ranging issues on its agenda, the resolution of which will require persistent consideration and significant resources. In that respect, we continue to believe that it is not appropriate to task that body with more work in the sphere of protecting biological resources in the Area.

It is also a priority to ensure the uninterrupted functioning of the Commission on the Limits of the Continental Shelf, given the constantly increasing number of applications it is receiving. We urge the Commission to carry out its work in strict adherence to its mandates and procedures, which are set out in the relevant provisions of the 1982 Convention. In particular, we wish to emphasize the importance of broadening multilateral cooperation aimed at enhancing flag States' control over their vessels. We welcome the efforts of the International Maritime Organization to address that issue.

The draft resolutions at the sixtieth session of the General Assembly on the law of the sea and on sustainable fisheries, which we will be adopting at this meeting, contain many provisions concerning the important follow-up work to be carried out by States. Here, we should like to note in particular the meetings of the Ad Hoc Open-ended Informal Working Group on issues related to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. The fifth round of informal consultations of States parties to the 1995 United Nations Fish Stocks Agreement will be held in March 2006. That event will be a main forum for the preparation of the May 2006 review conference on the Agreement. We believe that, if it is to be successful, the conference must have the broadest possible participation. Therefore, we appeal once again to States that have not yet done so to accede to the 1995 Agreement as soon as possible.

With regard to the forthcoming annual meeting of States parties to the United Nations Convention on the Law of the Sea, we wish to stress the importance of keeping the current mandate of that forum, which is to resolve administrative and budgetary issues related to the functioning of the bodies established under the Convention.

The Russian Federation welcomes the fact that the Informal Consultative Process will continue its work for the next three years without changing its current mandate. Today, the Consultative Process is playing an important role by permitting a broader exchange of views on topical issues related to the law of the sea, with the participation of States, academics, experts and practitioners.

We consider appropriate the decision to initiate the regular global assessment of the state of the marine environment. That measure will enable us to identify existing gaps in specific areas of knowledge and to determine what measures must be taken to fill those gaps. We hope that international bodies such as the Intergovernmental Oceanographic Commission of UNESCO and the United Nations Environment Programme, which are the leaders in carrying out this process, will successfully accomplish the tasks given them.

In conclusion, I should like to express our support for both of the draft resolutions that we will be adopting at this General Assembly meeting. We thank the coordinators, Ms. Holly Koehler and Mr. Marcos Lourenço de Almeida, for their efforts in preparing those extremely important documents.

Ms. Rivero (Uruguay) (*spoke in Spanish*): At the outset, my delegation wishes to thank in particular the coordinators of draft resolutions A/60/L.22 and A/60/L.23, Mr. Marcos Lourenço de Almeida and Ms. Holly Koehler, for their active and efficient work. We also take this opportunity to express our gratitude to the Division for Ocean Affairs and the Law of the Sea for its tireless assistance, from which we benefited during the negotiations, and many other activities.

For Uruguay, ocean affairs are particularly important. As a developing country, we believe it is essential to ensure the sustainability of resources. Therefore, concerned at the persistent signs of deterioration of the marine environment, we recognize the need to take urgent conservation measures in vulnerable marine ecosystems, such as seamounts. However, such measures must be considered on a case-by-case basis, must be supported by reliable scientific information based on actual observations and must conform to the provisions of the United Nations Convention on the Law of the Sea (UNCLOS). In that connection, we believe it is crucial that ocean policies continue to be based on cooperation and coordination at all levels and on the use of interdisciplinary and comprehensive approaches.

We agree with those who believe that we must improve conventional methods of fisheries management. In order to do that, we must establish an integrated ecosystem-based fisheries and oceans management system. Therefore and because we attach the utmost importance to the continuity of the ocean affairs consultation process, we note with special interest the forthcoming meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We trust that it will have interesting results that will be of benefit to us. In that connection, I wish to place on record that it is my delegation's understanding that the current choice of a sub-item will not create a precedent that will prevent us from addressing a greater number of items in future, so long as we can ensure their efficient consideration.

My country attaches great interest to several issues addressed in the draft resolutions under our consideration, including the safety of navigation, maritime transportation and the protection and

sustainable use of marine biodiversity. We hope to make substantive progress on those issues in the forthcoming negotiations, particularly at the meeting of the Ad Hoc Working Group to be held in February 2006.

We believe that building States' fisheries management capacity is important to ensure effective control and sustainable use of their resources and the transfer of marine technology. We are in favour of studies on the impact of man-generated ocean noise on fisheries and ecologically related species. We particularly support strengthening regional fisheries management organizations in order to establish a comprehensive, stable and predictable regulatory framework based on each regional ecosystem.

We believe it is not only our right, but also our obligation, to state that the international community must focus all its efforts on limiting illegal, unreported and unregulated fishing, subsidies and any other practice that helps to diminish the contribution of fishing to sustainable development.

Moreover, the international community must take action to avoid the impact of marine debris on health and productivity and the resulting economic losses. It is urgent that States reduce the amount of marine debris by implementing national, regional and subregional prevention and rehabilitation programmes. With specific regard to the loss or release of fishing gear and related material, we encourage cooperation and coordination among fishing organizations, programmes and operators to determine its causes and to reduce them by proposing recycling, reuse and reduction strategies based on economic incentives.

Although we wish to be optimistic about the 2006 review conference on the provisions agreed in resolution 59/25 on issues related to the impacts of bottom trawling on vulnerable marine ecosystems, we cannot fail to stress that the irreversible damage already caused to the marine environment leaves us little room for manoeuvre. We therefore urge that measures be intensified to halt such undesirable effects.

With regard to the review conference, I wish to note that my delegation, hoping to secure the broadest possible acceptance of the principles of the 1995 Agreement and the greatest possible participation of States, encourages the participation of States not parties on an equal footing with States parties.

Ms. Zanelli (Peru) (*spoke in Spanish*): My delegation thanks the coordinators of the two draft resolutions before us, Mr. Marcos Lourenço de Almeida of Brazil and Ms. Holly Koehler of the United States.

We also wish to recognize the work of the Division for Ocean Affairs and the Law of the Sea, especially its support in the consultation process and its training programmes, which are particularly helpful to the capacity-building of developing countries.

Peru notes the renewal of the mandate of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, as well as the agreement to activate the initial phase of the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects.

Peru awaits with interest the onset of the work of the Ad Hoc Open-ended Informal Working Group to meet in February 2006 to study questions related to the conservation and sustainable use of marine biodiversity beyond the limits of national jurisdiction. The themes included in the group's mandate must be thoroughly studied, including those relating to the common heritage of humankind and the effective distribution of benefits in conformity with the principles of international law.

Peru is particularly concerned by the issue of the maritime transportation of radioactive materials. We recognize that there have been developments in the framework of the International Atomic Energy Agency. We intend to pursue efforts to implement the Action Plan for the Safety of Transport of Radioactive Material and to continue dialogue and consultations with the States involved.

Peru emphasizes the importance of the trade in fisheries products, particularly for the developing countries, and thus attaches great significance to the appeal made in draft resolution A/60/L.23 for the elimination of barriers to trade and for effective, non-discriminatory access to markets.

Peru recognizes the valuable contribution of fisheries to food security and to the fight against poverty, as well as the role played by craft fishing in that area. It is important to stress the problems inherent to craft fishing, to provide financial support, and to support capacity training, including the transfer of technology. In that regard, we recognize the work of the Food and Agriculture Organization of the United

Nations and encourage States, financial institutions and intergovernmental organizations to support efforts to that end.

Peru reiterates the great importance for all States to participate on an equal footing in the review conference of the parties to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, as well as in its preparatory process, in order to promote the Agreement's universality. The rules of procedure of the review conference must preserve the integrity of article 36 of the Agreement, a provision allowing the participation of intergovernmental and non-governmental organizations only in their capacities as observers.

Peru is convinced of the need to continue to increase the efficiency of the informal consultations on the two draft resolutions under consideration by the General Assembly. One issue of great importance is the need to ensure the effective participation of delegations in the consultations. Peru therefore welcomes the fact that the concerns expressed by many delegations, including our own, have been taken into account in paragraph 113 of draft resolution A/60/L.22, whereby it would be decided to limit the period of the informal consultations on both resolutions to a maximum of four weeks in total and to ensure that the consultations are scheduled in such a way as to avoid overlap with the period during which the Sixth Committee is meeting. That programming improvement must be accompanied by a joint effort to reduce the length of the draft resolutions.

The President: In accordance with General Assembly resolution 54/195 of 17 December 1999, I now call on the observer for the International Union for the Conservation of Nature and Natural Resources.

Ms. Kimball (International Union for the Conservation of Nature and Natural Resources): Once again it is time to take stock of the world's oceans and fisheries. For the International Union for the Conservation of Nature and Natural Resources (IUCN), the conservation of natural resources and ecosystems is a fundamental underpinning of world food security and poverty alleviation. That applies equally in the marine realm. We welcome the reference to oceans in the outcome of the 2005 world summit.

Today, challenges in the coastal zone are especially severe, but impacts from human activities are expanding throughout the oceans. In areas beyond national jurisdiction, collective action is essential for effective conservation and management, not only to support species and habitat recovery in more heavily impacted zones, but also to maintain the biodiversity of the international commons for the benefit of all.

IUCN has supported three main avenues for making progress. Most critically, we need to improve high seas fisheries conservation and management, to ensure ecosystem and precautionary approaches based on the best available scientific information, and to end all forms of illegal, unreported and unregulated fishing.

Secondly, we need to identify priority sites for special protection and management measures on a precautionary basis in the short term, and, over the longer term, through a more comprehensive and systematic approach that advances the World Summit on Sustainable Development target of representative marine protected areas by 2012. It is particularly important to protect vulnerable deep sea ecosystems on an interim basis to allow regulatory regimes and scientific research to catch up with current threats, notably destructive fishing methods.

Thirdly, we need to strengthen scientific data collection, research and assessment, especially in deep sea areas, and to provide baselines for harvested resources and for other marine species, habitats and ecological relationships.

On the latter point, we are pleased that the start-up phase of the Global Marine Assessment (GMA) has now been agreed. We urge the GMA process to build on such important international research initiatives as the Census of Marine Life. In order to enhance prospects for international agreement on effective management, as the research community ventures further into deep sea environments, we encourage broad international collaboration and widespread availability of data, samples and findings.

On another issue, IUCN is particularly pleased that the effort to turn back the clock on gradual progress towards transparency and wider participation by civil society and the private sector in United Nations bodies has taken a pragmatic course. It is vital that the tools the international community has developed to further those goals and to balance the

interests and needs of States be applied consistently and fairly.

Concerning next year's developments, IUCN would like to see substantial efforts to halt unregulated and inadequately regulated high seas fisheries, especially such destructive fishing practices as bottom trawling that impact vulnerable marine ecosystems. Like other conservation groups, IUCN considers that next year's progress review on that issue offers major opportunities to improve high seas fisheries governance.

We will continue to support a performance review of regional fisheries management organizations based on objective criteria. In our view, a global mechanism will be necessary at some stage to promote the consistent application of best practices by those bodies and to reflect the stake of the international community as a whole.

At the upcoming review conference for the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, we will look for several commitments to establishing a time frame for formally applying relevant provisions of the Agreement to discrete high seas fish stocks; ensuring regular review of the Agreement's implementation over the longer term; elaborating and endorsing technical guidance to flesh out the Agreement's precautionary approach for new and exploratory fisheries; expediting the work of the Food and Agriculture Organization of the United Nations (FAO) on technical guidelines to manage deep sea fisheries and on the use of marine protected areas in fisheries management; considering a global scientific mechanism to assist regional fisheries management organizations in ensuring quality data collection and assessment methods that support the Agreement's ecosystem and precautionary approaches; and strengthening links among regional fisheries management organizations and with FAO to create a seamless network of information on high seas fishing vessels, owners and operators, traded fish products, and actions by port, flag, coastal and market States so that illegal, unreported and unregulated fishing is truly banished.

With regard to the meeting of the Ad Hoc Open-ended Informal Working Group that is to take place in February, the Union believes it will be important to affirm stronger collective responsibility on the part of all States to ensure the conservation and sustainable use of marine biodiversity beyond national jurisdiction. We hope that the Group will be able to move beyond the debate — which no one will win — regarding whether deep seabed genetic resources beyond national jurisdiction are, or are not, the common heritage of humankind. Instead, it could look to established principles that may provide common ground for further deliberations.

We all know many of those principles. They include precautionary and ecosystems approaches; sustainable and equitable use of resources; the duty not to cause damage to the marine environment beyond national jurisdiction, including rare or fragile ecosystems; prior environmental impact assessment; and, importantly, the promotion of international cooperation and capacity building in marine scientific research by making available information on proposed major scientific research programmes, their objectives and resulting knowledge, as specified in the Convention on the Law of the Sea. Such principles can lead to the identification of both near-term precautionary actions and medium-term initiatives. And there are others.

In the near term, we note especially the opportunity for the Working Group to link marine scientific research, the conservation agenda and the identification of priority sites for special protection and management measures. Those sites could serve different purposes: as areas for managing the risks to marine biodiversity in sensitive and vulnerable ecosystems; as relatively undisturbed areas for long-term scientific research and environmental monitoring; or as genetic reservoirs for promoting the recovery of impacted species and areas or encouraging scientific activities related to bio-prospecting.

Finally, like many others, we are grateful for the continually excellent reports produced by the Secretary-General.

The President: In accordance with General Assembly resolution 51/6, of 24 October 1996, I now call on Mr. Satya Nandan, Secretary-General of the International Seabed Authority.

Mr. Nandan (International Seabed Authority): I should like to express my appreciation for the Secretary-General's reports on oceans and the law of

the sea (*A/60/63 and Add.1 and Add.2*), as well as for the report on sustainable fisheries (*A/60/189*). They provide comprehensive accounts on recent developments in the law of the sea and, together with the report on the work of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea (*A/60/99*), are essential background for the consideration by the General Assembly of agenda item 75, entitled "Oceans and the law of the sea.

I would like to compliment the Secretariat of the Division for Ocean Affairs and the Law of the Sea for preparing the reports, specially its Director, Mr. Vladimir Golitsyn, whose leadership of the Division has given focus and renewed impetus to its work.

I would also like to express my appreciation to the coordinators of the two draft resolutions before the Assembly, as well as to their colleagues, for their untiring efforts in forging agreements on the two draft texts. I am particularly appreciative of the references in the omnibus draft resolution (*A/60/L.22*) to matters relating to the International Seabed Authority.

Since my statement to the Assembly at the fifty-ninth session, the International Seabed Authority has held its eleventh session in Kingston. That session was marked by a significant event, namely, the submission of an application for approval of a plan of work for the exploration of polymetallic nodules by the Federal Republic of Germany, as represented by the German Federal Institute for Geosciences and Natural Resources. As required, the applicant has expended more than $30 million in research and prospecting in the deep seabed. The application pertains to the Clipperton-Clarion Fracture Zone of the north-east Pacific Ocean. It covers an area of 149,976 square kilometres that is divided into two areas of equal estimated commercial value, as required by the Convention and the regulations of the Authority. Among other things, the applicant has provided a programme for its exploration activities and a programme for environmental monitoring, as well as a training programme for developing country scientists.

In accordance with the Authority's mining code, the application was reviewed by the Legal and Technical Commission, which recommended its approval to the Council of the Authority, identifying the area to be allocated to the applicant and the area to be reserved for the Authority under the parallel system. The Council, having considered the recommendations of the Legal and Technical Commission, approved the plan of work for exploration of polymetallic nodules on 23 August 2005, and requested the Secretary-General to issue a contract to the applicant in accordance with the regulations.

That application for a contract and its approval by the Council constitute an important milestone in the life of the Authority, as that was the first new application received following the entry into force of the 1982 Convention and the establishment of the Authority. Germany now joins seven other contractors that were initially registered as pioneer investors by the Preparatory Commission and were sponsored, respectively, by China, France, India, Japan, the Republic of Korea, the Russian Federation and a consortium of Eastern European countries based in Poland.

During the Authority's eleventh session, the Authority made significant progress with regard to the draft regulations on prospecting and exploration for polymetallic sulphides and cobalt-rich crusts submitted to it by the Legal and Technical Commission. The Council completed its first reading of the regulations and requested the secretariat to provide more detailed analysis and elaboration on a number of issues in the draft regulations: in particular on the size of the exploration areas, the proposed system for the allocation of exploration blocks and the way in which it would operate in practice, as well as on the proposed schedule for the relinquishment of one half of the exploration area.

It was noted that, compared to the regulations on prospecting and exploration for polymetallic nodules, the draft regulations on polymetallic sulphides and cobalt-rich crusts contained additional provisions aimed at the protection and preservation of the marine environment. It was recalled that some of the studies carried out by the Authority had suggested that there was a greater risk of environmental damage from exploration for sulphides and crusts as compared to exploration for polymetallic nodules.

The Council considered that it would be helpful if it could be provided with a more detailed analysis of the proposed changes to the draft regulations and their relationship to the provisions of the Convention and the 1994 Agreement. The Council also noted that it would be necessary for the draft regulations to include appropriate provisions consistent with the Convention and the Agreement for the resolution of overlapping

claims. It was also noted that the draft regulations did not appear to reflect fully the anti-monopoly provisions contained in annex III of the Convention.

The Council will continue its consideration of the draft regulations at its next session. In the meantime, the secretariat has been requested to prepare a revised text of the draft in order to address some of the technical issues that were raised during the session, as well as to provide additional technical papers and analyses of the more complex issues, in order to guide the discussions in the Council.

Over the last several years, the Authority has convened a series of workshops on topics related to the deep seabed environment and its resources. The participants in those workshops were experts with practical experience in research and exploration in the deep ocean. The workshops provided the best available scientific information on deep seabed resources and the ecosystems in which they are found. The data and information obtained enables the Authority to develop regulations and recommendations for activities in the Area on the basis of objective scientific information. The proceedings of those workshops are regularly published and are available.

In 2006, the Authority will hold two further workshops, the first of which will be held from 27 to 31 March. It will focus on the distribution of potential commercial deposits of cobalt-rich ferromanganese crusts in the Area, the conditions leading to the formation of such deposits, an assessment of the patterns of diversity, endemism and scales of seamount faunas, and the factors that appear to drive those patterns. The workshop will be held in collaboration with scientists from the chemosynthetic ecosystems group and the seamounts group of the Census for Marine Life. The workshop should result in a bio-geographic synthesis of seamount fauna based on research conducted by scientists from Australia, France, Japan, New Zealand and the Republic of Korea. Scientists from other countries will also be invited to participate. The second workshop will focus on economic and technological considerations for mining of polymetallic sulphides and cobalt-rich crusts and will be held from 31 July to 4 August, the week immediately preceding the twelfth session of the Authority. That should facilitate participation by representatives of member States and members of the Legal and Technical Commission, in addition to the invited experts.

In accordance with paragraph 2 of article 143 of the Convention, the Authority is engaged in promoting marine scientific research in the deep ocean and, to that end, it encourages and collaborates with groups of international scientists. It is apparent from those endeavours that scientists from developing countries are not involved in such research activities. At this early stage in the research and exploration activities in the Area, much of the scientific techniques that are used could also be used for research activities in national areas. For example, the DNA techniques being utilized in the Kaplan project to assess the distribution of organisms in the Clarion-Clipperton Zone, with which the Authority is associated as a sponsor, could be readily used for research in the distribution of the biodiversity in exclusive economic zones.

In order to facilitate the participation of scientists from developing countries, who have neither the capacity nor the opportunities to benefit from some of the advanced techniques in marine scientific research, I have proposed to the members of the Authority that a voluntary trust fund be established to provide opportunities for qualified scientists from institutions in developing countries to participate in research activities in the Area conducted by international scientists and contractors. The training could be conducted at sea and/or in the laboratories of scientific institutions in advanced countries. In implementing that programme, preference would be given to scientists affiliated with universities or research institutions in developing countries so that the knowledge and experience gained could be disseminated widely through such institutions. That initiative for capacity-building received the general approval of the members of the Authority and they have requested that a more detailed proposal on the establishment of the voluntary fund and the training programme be presented for consideration at the twelfth session. Details on a further proposal to establish an endowment fund from the fees paid to the Authority by the contractors would also be presented to the twelfth session. The income from that fund would be used to supplement the voluntary trust funds of the Authority.

I would like to take this opportunity to express my appreciation to members of the Authority that have contributed to the voluntary trust fund in order to enable the participation of members from developing countries in the work of the Legal and Technical

Commission and the Finance Committee. It is gratifying to note that the contributions made to the fund have come from developed and developing countries. I appeal to those that have not yet contributed to consider doing so, as full participation in the institutions of the Authority contributes to its effective operation.

One of the difficulties that the Authority continues to encounter is the lack of adequate participation of its member States in its annual sessions. Although much of the work being carried out by the Authority has universal effect, especially since the rules and regulations being adopted are binding on member States, the participation of member States over the last few years has been less than one half of the membership. That creates procedural difficulties for the Assembly of the Authority and impedes its efficient operation, since the quorum required under the Convention is a presence of one half of the members. This is a matter of serious concern and I am pleased that it is addressed in paragraph 30 of the draft resolution contained in document A/60/L.22.

I would like to appeal to all States members of the Authority to attend its annual sessions and participate fully in its work. That is an obligation that stems from being a party to the Convention. The next session of the Authority will be held from 7 to 18 August 2006. It is always difficult to arrive at broadly acceptable dates for the annual sessions. Account has to be taken of the meetings relating to oceans and the law of the sea being held in New York and elsewhere, which are attended by a core group of the same participants, as well as the availability of conference services in the overall programme of meetings of the United Nations. I take note of the concerns expressed in paragraph 30 of the draft resolution and we will continue consultations with conference services for more suitable dates.

Some eight years ago, I advocated in this Assembly for the establishment of a forum outside the General Assembly session that would provide more time for the in-depth consideration of current issues relating to the law of the sea, in particular those arising from the implementation of the Convention. Such a forum would encourage consistent interpretation and application of the Convention and facilitate coordination and cooperation in ocean-related activities being carried out in different organizations and bodies. The proposal was also designed to bring the consideration of oceans and the law of the sea, which had diminished after the conclusion of the Third United Nations Conference on the Law of the Sea in 1982, back into the mainstream of activities of the United Nations.

It is gratifying that, over the past six years, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea has been highly successful in providing an invaluable forum for the exchange of views on emerging issues and has helped States, international organizations and bodies, and civil society to consider in some detail the issues raised in the annual reports of the Secretary-General. It has not only enabled the General Assembly to have a more focused discussion, but also helped it to re-establish its central role in matters relating to the law of the sea and ocean affairs. Furthermore, in considering the issues arising from the implementation of the Convention and in addressing new issues that have arisen since the Convention was adopted within the framework of the Convention and its implementing agreements, the Informal Consultative Process has contributed to the strengthening of the regime for the oceans and the seas contained in the 1982 Convention. It is only appropriate, therefore, that the Assembly should decide to extend the Informal Consultative Process for at least a further three years.

The President: In accordance with General Assembly resolution 51/204 of 17 December 1996, I now call on the President of the International Tribunal for the Law of the Sea.

Mr. Wolfrum (International Tribunal for the Law of the Sea): On behalf of the International Tribunal for the Law of the Sea, I wish to express my appreciation for the opportunity given to me to address the General Assembly at its sixtieth session on the occasion of its annual examination of the item "Oceans and the law of the sea". I extend to you, sir, my personal congratulations and those of the Tribunal on your being elected President of the General Assembly.

I would like to take this opportunity to report to the General Assembly on the developments which have taken place with respect to the Tribunal since the last meeting of the General Assembly. I will then make some remarks regarding the jurisdiction of the Tribunal.

As regards organizational matters, I can inform the General Assembly that, on 22 June 2005, the Meeting of

States Parties elected seven judges to the Tribunal for a term of nine years. Two judges of the Tribunal — Judge Choon-Ho Park of the Republic of Korea and Judge Dolliver Nelson of Grenada — were re-elected. The judges newly elected are Mr. Stanislaw Pawlak of Poland, Mr. Shunji Yanai of Japan, Mr. Helmut Türk of Austria, Mr. James Kateka of Tanzania and Mr. Albert Hoffmann of South Africa. They, as well as Judges Park and Nelson, will serve until 30 September 2014.

In the course of 2005, the Tribunal held its nineteenth and twentieth sessions, which were devoted to legal and judicial matters, as well as administrative and organizational issues. On 30 September 2005, my predecessor, Judge Dolliver Nelson, completed his three-year term as President of the Tribunal. On 1 October 2005, I was elected President of the Tribunal for a three-year term and the Tribunal elected Judge Joseph Akl of Lebanon as Vice-President and Judge Hugo Caminos of Argentina as President of the Seabed Disputes Chamber.

As regards its judicial work, in December 2004 the Tribunal dealt with the Juno Trader case. That was the thirteenth case submitted to the Tribunal. It involved urgent proceedings concerning the prompt release of the vessel Juno Trader and its crew under article 292 of the Convention. Proceedings were instituted on 18 November 2004 by an application filed on behalf of Saint Vincent and the Grenadines against Guinea-Bissau. The Tribunal delivered its judgment on 18 December 2004. It may be noted that, in keeping with its jurisprudence, the Tribunal applied to the Juno Trader case the various factors relevant to an assessment of the reasonableness of bonds or other financial security which it had identified in previous judgments.

I am pleased to state that the judgment of the Tribunal in the Juno Trader case was adopted unanimously and that the vessel was released pursuant to the judgment. It is also important to note that, for this case, use was made for the first time of the trust fund which is administered by the United Nations to assist developing countries in the settlement of disputes through the Tribunal.

Since the commencement of its activities in October 1996, 13 cases have been brought before the Tribunal. While the Tribunal has broad jurisdiction over any dispute regarding the interpretation and application of the Convention or any agreement related to the purposes of the Convention, the majority of those cases have been confined to instances in which the jurisdiction of the Tribunal is compulsory — the prompt release of vessels and crews and the prescription of provisional measures pending the constitution of an arbitral tribunal. It is safe to say that the jurisdictional powers of the Tribunal have not yet been exhausted. For that reason, I would like to thank the sponsors of the draft resolution for noting the Tribunal's continued and significant contribution to the settlement of disputes by peaceful means in accordance with Part XV of the Convention and for underlining the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement relating to the Implementation of Part XI of the Convention.

The jurisdiction of the Tribunal is based not only on the United Nations Convention on the Law of the Sea, but also on any international agreement related to the purposes of the Convention which specifically confers jurisdiction on the Tribunal. Seven such multilateral agreements have already been concluded. An important example of an international agreement conferring jurisdiction on the Tribunal is the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, which provides that any dispute between States parties to the Agreement concerning the interpretation or application of the Agreement — whether or not they are also parties to the law of the sea Convention — is subject to the mechanism for settling disputes which is set out in Part XV of the Convention. The straddling fish stocks Agreement also makes that mechanism applicable to disputes concerning subregional, regional or global fisheries agreements relating to straddling or highly migratory fish stocks. It is interesting to note that the straddling fish stocks Agreement has modified the Tribunal's competence to prescribe provisional measures, since it allows the Tribunal to prescribe provisional measures not only to protect the rights of the parties, but also to prevent damage to the fish stocks in question. Likewise, the Tribunal is empowered to order provisional measures pending agreement between coastal States and fishing States as concerns the conservation and management of straddling stocks.

I should also like to draw the Assembly's attention to a further international agreement conferring jurisdiction on the Tribunal: the 2001 Convention on

the Protection of Underwater Cultural Heritage. Similarly, that Convention applies Part XV of the law of the sea Convention *mutatis mutandis* to any dispute between parties to it, whether or not they are parties to the law of the sea Convention.

Those international agreements are indeed useful developments and we would like to encourage States to consider making use of the possibility of including similar provisions in future agreements concerning the law of the sea that are the subject of international negotiations. I am grateful to the sponsors of the draft resolution for having noted that States parties to an international agreement related to the purposes of the Convention may submit to the Tribunal any dispute concerning the interpretation or application of that agreement which is submitted to it in accordance therewith.

A provision conferring jurisdiction on the Tribunal could also be included in bilateral agreements in respect of disputes arising out of the interpretation or application of the relevant agreement. According to such a provision, a dispute concerning the agreement should, at the request of any party to it, be submitted to the Tribunal or to an ad hoc chamber of the Tribunal if the dispute is not solved by diplomatic means within a certain period. The provision could also contain details of the method of selecting the judges or judges ad hoc who would sit in the chamber. In that respect, the procedure set out in article 3 of Annex VII to the Convention could serve as a model.

The inclusion of such provisions in international agreements is a fully logical development. It follows a pattern established during the nineteenth century as regards arbitration and during the twentieth century in respect of the International Court of Justice. As for the Tribunal, such a development would certainly enhance the central role it plays in the settlement of disputes regarding law of the sea matters. May I refer, in that respect, to a statement made by Mr. Joe Borg, Commissioner for Fisheries and Maritime Affairs of the European Union, on the occasion of his visit to the Tribunal on 2 September 2005. He said that

> "the European Union, where appropriate, could also offer to include a provision in the agreements relating to the law of the sea which it concludes with third countries binding the parties to refer the settlement of any disputes to the International Tribunal for the Law of the Sea".

May I further emphasize that parties may at any time conclude a special agreement to submit a dispute to the Tribunal or to an ad hoc special chamber of the Tribunal, in accordance with article 15, paragraph 2, of the Statute. An ad hoc special chamber is a suitable alternative for parties considering arbitration. In fact, the composition of the ad hoc special chamber is determined by the Tribunal with the approval of the parties, giving them control over the chamber's composition. The parties are entitled to choose from among the 21 judges of the Tribunal those whom they want to sit in the chamber, while they may also appoint judges ad hoc if the chamber does not include a member of the nationality of the parties. The parties may at any time consult with the President of the Tribunal on any questions regarding the composition of the chamber. They have at their disposal the rules of the Tribunal, which, in particular proceedings, may be amended at their request. In their special agreement, the parties may indicate the specific questions upon which the chamber is requested to give a judgment, and a judgment issued by an ad hoc chamber is considered to have been rendered by the full Tribunal. Finally, the parties do not have to bear the expenses of proceedings before the Tribunal or one of its chambers.

In the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean*, a case which is still pending on the docket, Chile and the European Community have taken advantage of the ad hoc system. At their request, the Tribunal constituted a chamber composed of five members, four of whom are judges of the Tribunal and one is a judge ad hoc chosen by Chile. It may be recalled that by the Tribunal's Order dated 16 December 2003, the time limit for making preliminary objections with respect to the case was extended, at the request of the parties, until 1 January 2006 in order to enable them to reach a settlement.

So far, the swordfish case is the only one to have been submitted to an ad hoc chamber. In my view, the potential offered by that alternative, which we call arbitration within the Tribunal, has not yet been fully realized. In that connection, I would like to thank the sponsors of draft resolution A/60/L.22 for noting the possibility provided for in the Tribunal's Statute of submitting disputes to a chamber of the Tribunal.

I wish to take this opportunity to draw attention to the fact that the Seabed Disputes Chamber not only is competent to deal with disputes regarding activities

in the international seabed area but is also empowered to give advisory opinions. The Chamber can exercise its advisory competence and give an advisory opinion, first, at the request of the Assembly or the Council of the International Seabed Authority "on legal questions arising within the scope of their activities" (*Convention on the Law of the Sea, article 191*) and secondly, when certain procedural requirements are met, at the request of the Assembly, "on the conformity with [the] Convention of a proposal before the Assembly on any matter" (*Convention on the Law of the Sea, article 159, paragraph 10*). Such opinions are given as a matter of urgency. The advisory jurisdiction, although non-binding in nature, could assist the Assembly or the Council of the International Seabed Authority in overcoming any differences in legal opinions which may arise as they perform their activities.

In that respect, I would like to mention that advisory proceedings are not limited to matters relating to Part XI of the Convention. Under article 138 of the rules of the Tribunal, the Tribunal may also be requested to give an advisory opinion on a legal question if an international agreement related to the purposes of the Convention specifically provides for the submission of a request for such an opinion.

The advisory function of the Tribunal is a significant innovation in the international judicial system, provided it can be given a broad interpretation. In that case, it may offer a potential alternative to contentious proceedings and could be an interesting option for those seeking a non-binding opinion on a legal question or an indication of how a particular dispute may be solved through direct negotiations. Such proceedings could be of particular assistance to parties to a dispute in the process of reaching a solution by negotiation, for example in maritime delimitation cases. It should not be forgotten that Article 33 of the United Nations Charter states that negotiations are the primary means of settling international disputes.

In that respect, the parties could ask the Tribunal to determine the principles and rules of international law applicable to a delimitation dispute and undertake thereafter to establish the boundary on that basis. The parties can always specify in the agreement the questions upon which the Tribunal would be requested to render an advisory opinion. Certainly, recourse to binding settlement procedures could ultimately also be made, if necessary.

The Tribunal's advisory function is based on article 21 of the Statute, which states that the jurisdiction of the Tribunal comprises all disputes and all applications submitted to it and all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal. Accordingly, future international agreements, possibly between States or between States and international organizations, could provide for recourse to the Tribunal's advisory procedures. A request for an advisory opinion is to be transmitted to the Tribunal by whichever body is authorized to make the request in accordance with the provisions of the relevant international agreement. The term "body" refers to the competent organ of any entity, State or organization that is empowered under the agreement to submit the request.

As the Tribunal feels that knowledge of its procedures should be widely promoted, it is planning to hold, during the course of next year, conferences in different areas of the world to present the work of the Tribunal. Those conferences will benefit from the participation of judges from the corresponding region.

I am glad to report that the Tribunal has taken further steps to develop its relationships with other international organizations and bodies; this year, an administrative arrangement was concluded between the Tribunal and the United Nations Environment Programme.

I would like to mention that, since November last year, eight States have acceded to the Agreement on the Privileges and Immunities of the Tribunal, which brings the total to 21. In that context, I refer to General Assembly resolution 59/24, in which the Assembly called upon States that have not yet done so to consider ratifying or acceding to the Agreement. That recommendation has also been included in this year's draft resolution. We appreciate that.

As of 31 October 2005, there was an unpaid balance of assessed contributions to the overall budget of the Tribunal amounting to approximately €2.5 million for the period from 1996-1997 to the 2005 budget of the Tribunal. The Tribunal is aware of the difficulties that situation may cause with respect to its functioning. The Registrar will send notes verbales to the States parties concerned in December 2005, reminding them of their outstanding contributions to the budget of the Tribunal. We are grateful to the sponsors of the draft resolution for incorporating an appeal to States parties in that regard.

I wish to draw the attention of representatives to the Tribunal's internship programme and to the grant provided by the Korea International Cooperation Agency for funding the participation of candidates from developing countries in the programme. On behalf of the Tribunal, I wish to convey our deep gratitude to the Korea International Cooperation Agency for that generous contribution.

Mr. President, I should like to conclude by expressing my appreciation to you and to representatives for the opportunity given me to address this meeting. I wish also to thank the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for their support and in particular for their excellent reports. I should like also to wish the General Assembly every success in its important deliberations at this session.

The President: We have heard the last speaker in the debate on agenda item 75 and its sub-items (a) and (b).

Before we proceed further, I should like to consult the Assembly with a view to proceeding with the consideration of draft resolutions A/60/L.22 and A/60/L.23 today. Since the draft resolutions have been circulated only today, it would be necessary to waive the relevant provision of rule 78 of the rules of procedure. The relevant provision of rule 78 reads as follows:

> "As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting."

Unless I hear any objection, I shall take it that the Assembly agrees with this proposal.

It was so decided.

The President: We shall now proceed to consider draft resolutions A/60/L.22 and A/60/L.23.

In connection with draft resolution A/60/L.22, I would like to give the floor to the representative of the Secretariat.

Mr. Botnaru (Chief, General Assembly Affairs Branch): I would like to inform members that under the terms of operative paragraphs 21, 34, 99 and 101 of draft resolution A/60/L.22, the General Assembly would, first, request the Secretary-General to convene the sixteenth Meeting of States Parties to the Convention in New York from 19 to 23 June 2006 and to provide the services required; secondly, approve the convening by the Secretary-General of the seventeenth session of the Commission in New York from 20 March to 21 April 2006, and of the eighteenth session of the Commission from 21 August to 15 September 2006, on the understanding that the following periods will be used for the technical examination of submissions at the GIS laboratories and other technical facilities of the Division: 20 to 31 March 2006; 10 to 21 April 2006; 23 August to 5 September 2006, and 11 to 15 September 2006.

Thirdly, the General Assembly would also reaffirm its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, welcome the work of the Consultative Process over the past six years, note the contribution of the Consultative Process to strengthening the annual debate of the General Assembly on oceans and the law of the sea, and decide to continue with the Consultative Process for the next three years, in accordance with resolution 54/33, with a further review of its effectiveness and utility by the Assembly at its sixty-third session; and, fourthly, it would request the Secretary-General to convene the seventh meeting of the Consultative Process in New York from 12 to 16 June 2006, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate.

As concerns the conference servicing requirements for the anticipated meetings referred to in paragraphs 21, 34 and 101, it should be noted that the sessions have already been programmed in the draft calendar of conferences and meetings for 2006. Necessary resources for servicing those meetings are included in the proposed programme budget for 2006-2007.

Accordingly, should the General Assembly adopt draft resolution A/60/L.22, no additional requirements would arise under the proposed programme budget for the biennium 2006-2007.

The President: I shall now give the floor to those representatives wishing to speak in explanation of vote before the voting.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Zhang Yishan (China) (*spoke in Chinese*): The Chinese Government attaches great importance to the review conference to be held next year on the 1995 United Nations Fish Stocks Agreement as well as to its preparatory meeting.

Here we would like to register our reservations on the wording contained in operative paragraph 25 of the draft resolution (A/60/L.23) on fisheries. The Chinese Government is of the view that the Agreement is a major extension of the United Nations Convention on the Law of the Sea. Its signing and entry into force have had a significant impact on the conservation and management of fishing resources on the high seas and also on international cooperation in the fishing industry.

The review conference is intended for the international community, represented by the United Nations, to review the Agreement in order to evaluate its efficacy in ensuring the conservation and management of straddling fish stocks and highly migratory fish stocks and put forward relevant recommendations where necessary. It needs to be emphasized that this conference is a United Nations review conference, not a review conference of the States parties. The broad participation, on an equal footing, of both States parties and States that are not parties to the Agreement, as provided for in article 36 of that Agreement, is pivotal to the success of the review conference.

The preparatory meeting for the review conference is an integral part of the review process. Although it is taking the form of the fifth round of informal consultations of States parties to the Agreement, its objectives and agenda are devoted to the review conference.

The preparatory meeting is a United Nations meeting, not just a meeting of the States parties, and therefore States that are not parties to the Agreement should enjoy rights equal to those of States parties.

We welcome the wording in operative paragraph 25 inviting States which are not parties to the Agreement to participate fully on an equal footing with States parties and reaffirming that every effort will be made to adopt recommendations on the basis of consensus.

However, we regret to note that the same paragraph specifies that States that are not parties to the Agreement will participate in the meeting without voting rights. We believe that this wording tends not only to erode the mutual trust between States parties and State non-parties but also to undermine the rights of States non-parties and that it is therefore not in the interest of broad participation in the review conference and its preparatory meeting.

The Chinese Government highly commends the efforts made by the international community with respect to the draft resolution on fisheries. For the reasons I mentioned earlier, however, we have reservations relating to the wording contained in operative paragraph 25 with regard to States non-parties participating without voting rights. We have therefore decided not to join the General Assembly consensus on this draft resolution, but we will not stand in the way of its adoption without a vote.

Mr. Erciyes (Turkey): With regard to the two draft resolutions before us under agenda item 75, Turkey will vote against the draft resolution contained in document A/60/L.22, entitled "Oceans and the law of the sea". The reason for my delegation's negative vote is that some of the elements contained in the United Nations Convention on the Law of the Sea, which have prevented Turkey from approving the Convention, are again retained in this year's draft resolution.

Turkey supports international efforts to establish a regime of the sea based on the principle of equity, which can be acceptable to all States. However, in our opinion, the Convention does not make adequate provision for special geographic situations and, as a consequence, is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for the registering of reservations on specific clauses.

Although Turkey agrees with the Convention in its general intent, and with most of its provisions, it is unable to become a party to it because of those serious shortcomings. That being the case, Turkey cannot support the draft resolution, which also calls on States to become parties to the Convention and to harmonize their national legislation with its provisions.

As for the draft resolution on sustainable fisheries, contained in document A/60/L.23, my delegation would like to state that Turkey is fully

committed to the protection, conservation, management and sustainable use of marine living resources and attaches great importance to regional cooperation to that end. For that reason, Turkey supports draft resolution A/60/L.23. However, I would like to reaffirm once again the position of my country vis-à-vis the Convention. For the reasons that I have just outlined, Turkey is not able to consent to certain references to the Convention made in the draft resolution, in particular operative paragraph 3, in which States are called on to become parties to the Convention. Turkey therefore disassociates itself from the consensus on those particular references.

Mr. Journès (France) (*spoke in French*): I am taking the floor with regard to paragraph 46 of the draft resolution A/60/L.22, "Oceans and the law of the sea", under section VIII, on maritime safety and security.

France did not co-sponsor the draft resolution this year. France takes note of the concerns that the transportation of radioactive materials raises among some island States. We regret, however, the specific focus on that issue, since safety and security measures in general should be strengthened for the maritime transportation of all hazardous materials and pollutants, particularly hydrocarbons.

France, for its part, has on a number of occasions been the victim of accidents, raising questions about the maritime transportation of hydrocarbons and its serious environmental impact. France would like to stress once again that the maritime transport of radioactive materials should take place with full respect for the international law of the sea and under the strictest safety standards, drawn up and regularly reviewed by the most competent authorities in that matter — the International Atomic Energy Agency and the International Maritime Organization.

The safety record with regard to the maritime transportation of radioactive material is excellent: no accident has ever occurred. France is itself a coastal State and has a direct interest in the greatest possible respect for safety and security of such transport.

Finally, France wishes to recall its readiness to engage in a technical dialogue with the States concerned on the question of the safety of the maritime transport of radioactive materials. With a view to enhancing mutual trust, France has already taken part in many technical consultative meetings with the States concerned and has for many years carried out information programmes on a voluntary basis.

The President: I ask for the indulgence and understanding of members, but there is a technical problem that, it seems, cannot be easily resolved, which will result in a delay. As the Assembly knows, the interpreters have a deadline in 15 minutes. Given that a number of representatives wish to speak in explanation of vote and that we still have to take action on the draft resolutions, we will not make the deadline. I therefore intend to adjourn the meeting now. We will take up this item again tomorrow morning at 10 a.m., before moving on to agenda item 17 and sub-item (e) of item 73.

The meeting rose at 6.15 p.m.